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ILLINOIS DOCUMENTS

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Illinois Register

Rules of Governmental Agencies

Volume 23, Issue 33 — August 13, 1999

Pages 8,882 – 9,584

Index Department
Administrative Code Div.
111 East Monroe Street
Springfield, IL 62756
(217) 782-7017
<http://www.sos.state.il.us>



Printed on recycled paper

published by
Jesse White
Secretary of State

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Editor's Note: The Cumulative Index and Sections Affected Index will be printed on a quarterly basis. The printing schedule for the quarterly and annual indexes are as follows:

April	17, 1999 - Issue 16: Through	March	31, 1999
July	17, 1999 - Issue 29: Through	June	30, 1999
October	16, 1999 - Issue 42: Through	September	30, 1999
January	15, 2000 - Issue 3: Through	December	31, 1999 (Annual)

INTRODUCTION

The *Illinois Register* is the official state document for publishing public notice of rulemaking activity initiated by State governmental agencies. The table of contents is arranged categorically by rulemaking activity and alphabetically by agency within each category. The Register also contains a Cumulative Index listing alphabetically by agency the Parts (sets of rules) on which rulemaking activity has occurred in the current Register volume year and a Sections Affected Index listing by Title each Section (including supplementary material) of a Part on which rulemaking activity has occurred in the current volume year. Both indices are action coded and are designed to aid the public in monitoring rules.

Rulemaking activity consists of proposed or adopted new rules; amendments to or repealers of existing rules; and rules promulgated by emergency or peremptory action. Executive Orders and Proclamations issued by the Governor; notices of public information required by State statute; and activities (meeting agendas, Statements of Objection or Recommendation, etc.) of the Joint Committee on Administrative Rules (JCAR), a legislative oversight committee which monitors the rulemaking activities of State agencies; is also published in the Register.

The Register is a weekly update to the *Illinois Administrative Code* (a compilation of the rules adopted by State agencies). The most recent edition of the Code along with the Register comprise the most current accounting of State agencies' rules.

The Illinois Register is the property of the State of Illinois, granted by the authority of the Illinois Administrative Procedure Act [5 ILCS 100/1-1 et seq.].

REGISTER PUBLICATION SCHEDULE 1999

Issue #	Copy Due by 4:30 p.m.	Publication Date	Issue #	Copy Due by 4:30 p.m.	Publication Date
Issue 1	December 21, 1998	January 4, 1999 *	Issue 28	June 28	July 9
Issue 2	December 28	January 8	Issue 29	July 6 ***	July 16
Issue 3	January 4, 1999	January 15	Issue 30	July 12	July 23
Issue 4	January 11	January 22	Issue 31	July 19	July 30
Issue 5	January 19	January 29	Issue 32	July 26	August 6
Issue 6	January 25	February 5	Issue 33	August 2	August 13
Issue 7	February 1	February 16	Issue 34	August 9	August 20
Issue 8	February 8	February 19 **	Issue 35	August 16	August 27
Issue 9	February 16 ***	February 26	Issue 36	August 23	September 3
Issue 10	February 22	March 5	Issue 37	August 30	September 10
Issue 11	March 1	March 12	Issue 38	September 7 ***	September 17
Issue 12	March 8	March 19	Issue 39	September 13	September 24
Issue 13	March 15	March 26	Issue 40	September 20	October 1
Issue 14	March 22	April 2	Issue 41	September 27	October 8
Issue 15	March 29	April 9	Issue 42	October 4	October 15
Issue 16	April 5	April 16	Issue 44	October 12 ***	October 22
Issue 17	April 12	April 23	Issue 43	October 18	October 29
Issue 18	April 19	April 30	Issue 44	October 25	November 5
Issue 19	April 26	May 7	Issue 45	November 1	November 12
Issue 20	May 3	May 14	Issue 46	November 8	November 19
Issue 21	May 10	May 21	Issue 47	November 15	November 29 *
Issue 22	May 17	May 28	Issue 48	November 22	December 3
Issue 23	May 24	June 4	Issue 49	November 29	December 10
Issue 24	June 1 ***	June 11	Issue 50	December 6	December 17
Issue 25	June 7	June 18	Issue 51	December 13	December 24
Issue 26	June 14	June 25	Issue 52	December 20	December 31
Issue 27	June 21	July 2	Issue 1	December 27	January 7, 2000

* Monday following a state holiday.

** Tuesday following a state holiday.

*** Since the state holiday is a Monday, the deadline is Noon on Tuesday.

ILLINOIS DEPARTMENT OF HUMAN RIGHTS

NOTICE OF PROPOSED REPEALER

1) Heading of the Part: Department Purchasing Procedures

2) Code Citation: 44 Ill. Adm. Code 760

3) Section Numbers: Proposed Action:
 760.10 Repeal
 760.20 Repeal
 760.30 Repeal
 760.40 Repeal
 760.50 Repeal
 760.60 Repeal
 760.70 Repeal
 Appendix A Repeal

4) Statutory Authority: Implementing the Standard Procurement Rules (44 Ill. Adm. Code 1) and authorized by the Illinois Procurement Code (30 ILCS 500).

5) A Complete Description of the Subjects and Issues Involved: This Part is being repealed. It was adopted pursuant to the Illinois Purchasing Act, which has been repealed.

6) Will this rulemaking replace any emergency rulemaking currently in effect?
 No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This proposed repealer neither creates nor expands any State mandate on units of local government, school districts, or community college districts.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Comments should be submitted within 45 days of the date of this issue of the *Illinois Register* to:

David T. Rothal
 Illinois Department of Human Rights
 100 West Randolph, Suite 10-100
 Chicago, Illinois 60601
 (312) 814-6242

12) Initial Regulatory Flexibility Analysis:

ILLINOIS DEPARTMENT OF HUMAN RIGHTS

NOTICE OF PROPOSED REPEALER

A) Types of small businesses, small municipalities and not for profit corporations affected: This amendment will affect any person engaged in a contract or potentially engaged in a contract with the Department.

B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: July 1999

The full text of the Proposed Repealer begins on the next page:

ILLINOIS DEPARTMENT OF HUMAN RIGHTS

NOTICE OF PROPOSED REPEALER

TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENT AND
PROPERTY MANAGEMENT
SUBTITLE B: SUPPLEMENTAL PROCUREMENT RULES
CHAPTER X: DEPARTMENT OF HUMAN RIGHTS

PART 760
DEPARTMENT PURCHASING PROCEDURES (Repealed)

Section
760.10 Purchasing Policy
760.20 Centralized Purchasing
760.30 Acquisition of Services Not Elsewhere Provided For Herein
760.40 Right of Rejection
760.50 Governing Laws
760.60 Purchasing Rules Adopted
760.70 Equal Opportunity
APPENDIX A Equal Employment Opportunity

AUTHORITY: Implementing and authorized by Section 5 of the Illinois Purchasing Act (Ill. Rev. Stat. 1983, Ch. 127, Par. 132.5).

SOURCE: Adopted November 20, 1972 by the Fair Employment Practices Commission; transferred to the Department of Human Rights by P.A. 81-1216, effective July 1, 1980; rules repealed and new rules adopted at 5 Ill. Reg. 9456, effective September 15, 1981; codified at 8 Ill. Reg. 15927; repealed at 23 Ill. Reg. _____, effective _____.

Section 760.10 Purchasing Policy

Recognizing the necessity for economy in governmental expenditures, the Department is committed to the practices of competitive bidding and centralized purchasing.

Section 760.20 Centralized Purchasing

Certain State agencies have been charged with responsibility for the central procurement of specified goods and services. Accordingly, the Department will obtain such goods and services as prescribed by law through such agencies, including the Department of Central Management Services, the Capital Development Board, and such other agencies as may be designated by law. The goods and services to be so acquired shall include but not be limited to supplies, commodities, equipment, utilities, printing, printing paper, stationery, envelopes, insurance, vehicle maintenance and repairs, telecommunications equipment and services, electronic data processing equipment and services, construction materials and services.

Section 760.30 Acquisition of Services Not Elsewhere Provided for Herein

ILLINOIS DEPARTMENT OF HUMAN RIGHTS

NOTICE OF PROPOSED REPEALER

In the acquisition of services not provided for above, the Department will enter into service agreements in accordance with the Illinois Purchasing Act.

Section 760.40 Right of Rejection

The Department reserves the right to reject any and all bids, offers or proposals it receives with respect to any invitation to bid or request for proposals it issues.

Section 760.50 Governing Laws

These rules are subject to the provisions of the Illinois Purchasing Act and all other applicable laws of the State of Illinois.

Section 760.60 Purchasing Rules Adopted

The Department hereby adopts the Purchasing Rules promulgated by the Department of Administrative Services (44 Ill. Adm. Code 1) as now or hereafter amended.

Section 760.70 Equal Opportunity

All contracts and agreements for the acquisition of goods and services by the Department shall be conditioned upon and shall include or be deemed to include the following Equal Opportunity Clause set forth as Appendix A hereto.

ILLINOIS DEPARTMENT OF HUMAN RIGHTS

NOTICE OF PROPOSED REPEALER

Section 760. APPENDIX A Equal Employment Opportunity

In the event of the contractor's non-compliance with the provisions of this Equal Employment Opportunity Clause, the Illinois Human Rights Act (Ill. Rev. Stat. 1981, ch. 68, pars. 1-101 et seq.) or the Rules of the Illinois Department of Human Rights ("Department"), the contractor may be declared ineligible for future contracts or subcontracts with the State of Illinois or any of its political subdivisions or municipal corporations, and the contract may be cancelled or voided in whole or in part, and such other sanctions or penalties may be imposed or remedies invoked as provided by statute or regulation. During the performance of this contract, the contractor agrees as follows:

- (1) That it will not discriminate against any employee or applicant for employment because of race, color, religion, sex, marital status, national origin or ancestry, age, physical or mental handicap unrelated to ability, or an unfavorable discharge from military service; and further that it will examine all job classifications to determine if minority persons or women are underutilized and will take appropriate affirmative action to rectify any such underutilization.
- (2) That, if it hires additional employees in order to perform this contract or any portion thereof, it will determine the availability (in accordance with the Department's Rules) of minorities and women in the area(s) from which it may reasonably recruit and it will hire for each job classification for which employees are hired in such a way that minorities and women are not underutilized.
- (3) That, in all solicitations or advertisements for employees placed by it or on its behalf, it will state that all applicants will be afforded equal employment opportunity without discrimination because of race, color, religion, sex, marital status, national origin or ancestry, age, physical or mental handicap unrelated to ability, or an unfavorable discharge from military service.
- (4) That it will send to each labor organization or representative of workers with which it has or is bound by a collective bargaining or other agreement or understanding, a notice advising such labor organization or representative of the contractor's obligations under the Illinois Human Rights Act and the Department's Rules. If any such labor organization or representative fails or refuses to cooperate with the contractor in its efforts to comply with such Act and Rules, the contractor will promptly so notify the Department and the contracting agency and will recruit employees from other sources when necessary to fulfill its obligations thereunder.
- (5) That it will submit reports as required by the Department's Rules, furnish all relevant information as may from time to time be requested by the Department or the contracting agency, and in

ILLINOIS DEPARTMENT OF HUMAN RIGHTS

NOTICE OF PROPOSED REPEALER

- all respects comply with the Illinois Human Rights Act and the Department's Rules.
- (6) That it will permit access to all relevant books, records, accounts and work sites by personnel of the contracting agency and the Department for purposes of investigation to ascertain compliance with the Illinois Human Rights Act and the Department's Rules.
 - (7) That it will include verbatim or by reference the provisions of this clause in every subcontract it awards under which any portion of the contract obligations are undertaken or assumed, so that such provisions will be binding upon such subcontractor. In the same manner as with other provisions of this contract, the contractor will be liable for compliance with applicable provisions of this clause by such subcontractors; and further it will promptly notify the contracting agency and the Department in the event any subcontractor fails or refuses to comply therewith. In addition, the contractor will not utilize any subcontractor declared by the Illinois Human Rights Commission to be ineligible for contracts or subcontracts with the State of Illinois or any of its political subdivisions or municipal corporations.

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Valuation of Life Insurance Policies Including the Use of Select Mortality Factors

2) Code Citation: 50 Ill. Adm. Code 1409

3) Section Numbers:

1409.20
Amendment
1409.30
Amendment
1409.40
Amendment
1409.50
Amendment
1409.60
Amendment

APPENDIX A

ILLUSTRATION A

ILLUSTRATION B

ILLUSTRATION C

ILLUSTRATION D

ILLUSTRATION E

ILLUSTRATION F

4) Statutory Authority: Implementing Section 223 and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/223 and 401].

5) A Complete Description of the Subjects and Issues Involved: The Department is amending this Part to make it consistent with recent changes to the XXX NAIC Model Regulation. In addition, the Department is making a few housekeeping changes and we have assigned an effective date of January 1, 2000 for these amendments.

6) Will this proposed amendment replace an emergency rule currently in effect? No

7) Does this amendment contain an automatic repeal date? No

8) Does this proposed amendment contain incorporations by reference? No

9) Are there any other proposed amendments pending on this Part? No

10) Statement of Statewide Policy Objectives: This rule will not require a local government to establish, expand or modify its activities in such a way as to necessitate additional expenditures from local revenues.

11) Time, Place, and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to comment on this proposed rulemaking may submit written comments no later than 45 days after the publication of this Notice to:

James C. Rundblom
Staff Attorney

or
Denise Hamilton
Rules Unit Supervisor

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

Department of Insurance
320 West Washington
Springfield, Illinois
62767-0001
217/785-8559

Department of Insurance
320 West Washington
Springfield, Illinois
62767-0001
217/785-8560

12) Initial Regulatory Flexibility Analysis:

A) Types of small businesses, small municipalities and not for profit corporations affected: No small businesses, municipalities or not for profit corporations will be affected by these proposed amendments.

B) Reporting, bookkeeping or other procedures required for compliance: Please see new Section 1409.40(b)(3)(I).

C) Types of professional skills necessary for compliance: Under some circumstances an actuary will be required to complete an actuarial opinion and memorandum pursuant to 50 Ill. Adm. Code 1408, as well as perform and/or interpret mortality studies. Please see Section 1409.40(b)(3)(I).

13) Regulatory Agenda on which this Amendment was summarized: January 1999.

The full text of the Proposed Amendments begins on the next page:

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

TITLE 50: INSURANCE
CHAPTER I: DEPARTMENT OF INSURANCE
SUBCHAPTER 6: LEGAL RESERVE LIFE INSURANCE

PART 1409
VALUATION OF LIFE INSURANCE POLICIES
INCLUDING THE USE OF SELECT MORTALITY FACTORS

Section	Purpose
1409.10	Applicability
1409.20	Definitions
1409.30	General Calculation Requirements for Basic Reserves and Deficiency Reserves
1409.40	Calculation of Minimum Valuation Standard for Policies with Guaranteed Nonlevel Premiums or Guaranteed Nonlevel Benefits (Other Than Universal Life Policies)
1409.60	Calculation of Minimum Valuation Standard for Flexible Premium and Fixed Premium Universal Life Insurance Policies That Contain Provisions Resulting in the Ability of a Policyowner to Keep a Policy in Force Over a Secondary Guarantee Period of More Than Five Years

APPENDIX A: Base Select Mortality Factors

ILLUSTRATION A	Male Aggregate
ILLUSTRATION B	Male Nonsmoker
ILLUSTRATION C	Male Smoker
ILLUSTRATION D	Female Aggregate
ILLUSTRATION E	Female Nonsmoker
ILLUSTRATION F	Female Smoker

AUTHORITY: Implementing Section 223 and authorized by Section 401 of the Illinois Insurance Code [215 ILCS 5/223 and 401].

SOURCE: Adopted at 20 Ill. Reg. 12359, effective September 3, 1996; amended at 23 Ill. Reg. _____, effective _____.

NOTE: In this Part, unless the context clearly indicates otherwise, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets.

Section 1409.20 Applicability

a) For purposes of this Section, the "applicability date" of this Part is January 1 of the calendar year immediately following the adoption of substantiality similar requirements by states with an aggregate population of at least 5% of the total population of the United States of America, according to the most recent General Federal Census.

b) This Part shall apply to all life insurance policies, with or without

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

nonforfeiture values issued on or after January 1, 2000, the applicability date of this Part subject to the following exceptions and conditions:
a) Exceptions.

1A) This Part shall not apply to any individual life insurance policy issued on or after the effective date of this Part if the policy is issued in accordance with, and as a result of the exercise of, a reentry provision contained in the original life insurance policy or any individual life insurance policy of the same or greater face amount, issued before the effective date of this Part that guarantees the premium rates of the new policy. This Part also shall not apply to subsequent policies issued as a result of the exercise of such a provision, or a derivation of the provision in the new policy.

2) This Part shall not apply to any universal life policy that meets all the following requirements with regard to all secondary guarantee periods.

A) Secondary guarantee period, if any, is 5 years or less;
B) Specified premium for the secondary guarantee period is not less than the net level reserve premium for the secondary guarantee period based on the CSO valuation tables as defined in Section 1409.30 of this Part and the applicable valuation interest rate; and
C) The initial surrender charge is not less than 100% of the first year annualized specified premium for the secondary guarantee period.

3B) This Part shall not apply to any variable life insurance policy that provides for life insurance, the amount or duration of which varies according to the investment experience of any separate account or accounts.

4e) This Part shall not apply to any variable universal life insurance policy that provides for life insurance, the amount or duration of which varies according to the investment experience of any separate account or accounts.

5B) This Part shall not apply to group life insurance certificates unless the certificates provide for a stated or implied schedule of maximum gross premiums required in order to continue coverage in force for a period in excess of one year.

b2) Conditions.

1A) Calculation of the minimum valuation standard for policies with guaranteed nonlevel premiums or guaranteed nonlevel benefits (other than universal life policies), or both, shall be in accordance with the provisions of Section 1409.50 of this Part.

2B) Calculation of the minimum valuation standard for flexible premium and fixed premium universal life insurance policies that contain provisions resulting in the ability of a policyholder to keep a policy in force over a secondary guarantee period of more than five years shall be in accordance with the provisions of Section 1409.60 of this Part.

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 1409.30 Definitions

1980 CSO Valuation Tables means the Commissioner's 1980 Standard Ordinary Mortality Table (1980 CSO Table) without ten-year selection factors, incorporated into the 1980 amendments to the National Association of Insurance Commissioners (NAIC) Standard Valuation Law, and the smoker and nonsmoker variations of the 1980 CSO Table approved by the NAIC, ~~such as the smoker and nonsmoker versions~~ approved in December, 1983, as published in the 1984 Proceedings for the NAIC, Vol. 1, P. 31 and approved by the Director for use in determining the minimum standards of valuation pursuant to 50 Ill. Adm. Code 934. No later amendments or editions shall be included.

Basic Reserves means reserves calculated in accordance with Section 223(3)(b) of the Illinois Insurance Code [215 ILCS 5/223(3)(b)].

Contract Segmentation Method means the method of dividing the period from issue to mandatory expiration of a policy into successive segments, with the length of each segment being defined as the period from the end of the prior segment (from policy inception, for the first segment) to the end of the latest policy year as determined in the procedure set forth below in this definition. All calculations are made using the 1980 CSO valuation tables, and if elected, the optional minimum mortality standard for deficiency reserves found in subsection (b) of Section 1409.40 of this Part.

The length of a particular contract segment shall be set equal to the minimum of the value t for which $G(t)$ is greater than $R(t)$ (if $G(t)$ never exceeds $R(t)$ the segment length is deemed to be the number of years from the beginning of the segment to the mandatory expiration date of the policy), where $G(t)$ and $R(t)$ are defined as follows:

$$G(t) = \frac{GP[x + k + t]}{GP[x + k + t - 1]}$$

$$R(t) = \frac{g[x + k + t]}{g[x + k + t - 1]}$$

However, $R(t)$ may be increased or decreased by one percent in any policy year, at the company's option, but $R(t)$ shall not be less than one;

where:

x = original issue age;

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

k =

the number of years from the date of issue to the beginning of the segment;

t =

1, 2, ...; t is reset to 1 at the beginning of each segment.

$$GP[x + k + t - 1] =$$

Guaranteed gross premium per thousand of face amount, ignoring policy fees only if level for the premium paying period of the policy, for year t of the segment.

$$g[x + k + t - 1] =$$

Valuation mortality rate for deficiency reserves in policy year $k + t$ but using the select mortality factors found in Section 1409.40(b)(13) if Section 1409.40(b)(4) is selected for deficiency reserves.

However, if $GP[x + k + t]$ is greater than 0 and $GP[x + k + t - 1]$ is equal to 0, $G(t)$ shall be deemed to be 1000. If $GP[x + k + t]$ and $GP[x + k + t - 1]$ are both equal to 0, $G(t)$ shall be deemed to be 0.

Deficiency Reserves mean the excess, if greater than zero, of:

Minimum reserves calculated in accordance with Section 223(3)(f) of the Illinois Insurance Code [215 ILCS 5/223(3)(f)], over and

Basic reserves.

Guaranteed Gross Premiums mean the premiums under a policy of life insurance that are guaranteed and determined at issue.

Maximum Valuation Interest Rates mean the interest rates defined in Section 223(6)(b) of the Illinois Insurance Code [215 ILCS 5/223(6)(b)] that are to be used in determining the minimum standard for the valuation of life insurance policies.

Scheduled Gross Premium means the smallest illustrated gross premium at issue for other than universal life insurance policies. For

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

universal life insurance policies, scheduled gross premium means the smallest specified premium described in subsection (a)(3) of Section 1409.60 of this Part, if any, or else the minimum premium described in subsection (a)(4) of Section 1409.60 of this Part.

Segmented Reserves mean reserves, calculated using segments produced by the contract segmentation method, equal to the present value of all future guaranteed benefits less the present value of all future net premiums to the mandatory expiration of a policy, where the net premiums within each segment are a uniform percentage of the respective guaranteed gross premiums within the segment. The uniform percentage for each segment is such that, at the beginning of the segment, the present value of the net premiums within the segment equals:

The present value of the death benefits within the segment, plus

The present value of any unusual guaranteed cash value (subsection (d) of Section 1409.50 of this Part) occurring at the end of the segment, less

Any unusual guaranteed cash value occurring at the start of the segment, plus

For the first segment only as measured from the actual issue date, the excess of the net level annual premium (which is equal to the present value, at the date of issue, of the benefits provided for in the first segment after the first policy year, divided by the present value, at the date of issue, of an annuity of one per year payable on the first and each subsequent anniversary within the first segment on which a premium falls due) over the net one year term premium for the benefits provided for in the first policy year. However, the net level annual premium shall not exceed the net level annual premium on the nineteen-year premium whole life plan of insurance of the same renewal year equivalent level amount at an age one year higher than the age at issue of the policy.

The length of each segment is determined by the Contract Segmentation Method.

The interest rates used in the present value calculations for any policy may not exceed the maximum valuation interest rate, determined with a guarantee duration equal to the sum of the lengths of all segments of the policy.

For both basic reserves and deficiency reserves computed by the segmented method, present values must include future benefits and

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net premiums in the current segment and in all subsequent segments.

Segments are determined at issue of the policy and redetermined after any post-issue premium guarantee is provided by rider or otherwise provided. In the event of a post-issue premium guarantee, the effective date of the post-issue premium guarantee is assumed to be the issue date of the policy and segments are determined prospectively from that date. The mortality rates used to determine segments after a post-issue premium guarantee must be the same rates by attained age as used in the determination of segments made at issue of the policy.

Tabular Cost of Insurance means the net single premium at the beginning of a policy year for one-year term insurance in the amount of the guaranteed death benefit in that policy year.

Ten-year Select Factors mean the select factors adopted in the 1980 amendments to the NAIC Standard Valuation Law.

Unitary Reserves mean the present value of all future guaranteed benefits less the present value of all future modified net premiums, where:

Guaranteed benefits and modified net premiums are considered to the mandatory expiration of the policy; and

Modified net premiums are a uniform percentage of the respective guaranteed gross premiums, where the uniform percentage is such that, at issue, the present value of the net premiums equals the present value of all death benefits and pure endowments, plus the excess of the net level annual premium equal to the present values at the date of issue, of the benefits provided for after the first policy year, divided by the present value, at the date of issue, of an annuity of one per year payable on the first and each subsequent anniversary of the policy on which a premium falls due, over the net one year term premium for the benefits provided for in the first policy year. However, the net level annual premium shall not exceed the net level annual premium on the nineteen-year premium whole life plan of insurance of the same renewal year equivalent level amount at an age one year higher than the age at issue of the policy; and

Any negative terminal reserves are set to zero.

The interest rates used in the present value calculations for any policy may not exceed the maximum valuation interest rate, determined with a guarantee duration equal to the length from

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issue to the mandatory expiration of the policy.

Universal Life Insurance policy means any individual life insurance policy under the provisions of which separately identified interest credits (other than in connection with dividend accumulations, premium deposit funds, or other supplementary accounts) and mortality or expense charges are made to the policy.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 1409.40 General Calculation Requirements for Basic Reserves and Deficiency Reserves

a) Basic Reserves.

1) At the election of the company for any one or more specified plans of life insurance, the minimum mortality standard for basic reserves may be calculated using the 1980 CSO valuation tables with select mortality factors.

2) If select mortality factors are elected, they may be:

A) The ten-year select mortality factors incorporated into the 1980 amendments to the NAIC Standard Valuation Law; or

B) The 150% of the base select mortality factors found in Appendix A of this Part, ~~or~~

C) ~~150% of the base select mortality factors found in Appendix A of this Part for the first ten policy years; then linearly graded from the resulting tenth-year factor to 100% at policy year 16.~~

b) Deficiency Reserves.

1) Deficiency reserves, if any, are calculated for each policy as the excess, if greater than zero, of the quantity A over the basic reserve. The quantity A is obtained by recalculating the basic reserve for the policy using guaranteed gross premiums instead of net premiums when the guaranteed gross premiums are less than the corresponding net premiums. At the election of the company for any one or more specified plans of insurance, the quantity A and the corresponding net premiums used in the determination of quantity A may be based upon the 1980 CSO valuation tables with select mortality factors. If select mortality factors are elected, they may be:

2A) The ten-year select mortality factors incorporated into the 1980 amendments to the NAIC Standard Valuation Law; or

3) The select mortality factors found in Appendix A of this Part; or

4) For durations in the first segment, X percent of the select mortality factors in Appendix A of this Part, subject to the following:

A) X may vary by policy year, policy form, underwriting classification, issue age, or any other policy factor

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expected to affect mortality experience.

B) X shall not be less than 20%.

C) X shall not decrease in any successive policy years.

D) X is such that, when using the valuation interest rate used for basic reserves, subsection (b)(4)(D)(i) of this Section, is greater than or equal to subsection (b)(4)(D)(ii).

i) The actuarial present value of future death benefits, calculated using the mortality rates resulting from

the application of X;

ii) The actuarial present value of future death benefits calculated using anticipated mortality experience without recognition of mortality improvement beyond the valuation date;

E) X is such that the mortality rates resulting from the application of X are at least as great as the anticipated mortality experience, without recognition of mortality improvement beyond the valuation date, in each of the first 5 years after the valuation date.

F) The appointed actuary shall increase X at any valuation date where it is necessary to continue to meet all the requirements of subsection (b)(4);

G) The appointed actuary may decrease X at any valuation date as long as X does not decrease in any successive policy years and as long as it continues to meet all the requirements of subsection (b)(4);

H) The appointed actuary shall specifically take into account the adverse effect on expected mortality and lapsation of any anticipated or actual increase in gross premiums; and

I) If X is less than 100% at any duration for any policy, the following requirements shall be met:

i) The appointed actuary shall annually prepare an asset adequacy analysis actuarial opinion and memorandum for the company in conformance with the applicable

Sections of 50 Ill. Adm. Code 1408.

ii) The appointed actuary shall annually opine for all policies subject to this Part as to whether the mortality rates resulting from the application of X meet the requirements of subsection (b)(3). This opinion shall be supported by an actuarial report, subject to appropriate Actuarial Standards of Practice promulgated by the Actuarial Standards Board of the American Academy of Actuaries. The X factors shall reflect anticipated future mortality, without recognition of mortality improvement beyond the valuation date, taking into account relevant emerging experience.

c) This subsection applies to both basic reserves and deficiency reserves. Any set of select mortality factors may be used only for

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the first segment. However, if the first segment is less than 10 years, the appropriate ten-year select mortality factors incorporated into the 1980 amendments to the NAIC Standard Valuation Law may be used thereafter through the tenth policy year from the date of issue.

d) In determining basic reserves or deficiency reserves, guaranteed gross premiums without policy fees may be used where the calculation involves the guaranteed gross premium but only if the policy fee is a level dollar amount after the first policy year. In determining deficiency reserves, policy fees may be included in guaranteed gross reserves, even if not included in the actual calculation of basic reserves.

e) Reserves for policies that have changes to guaranteed gross premiums, guaranteed benefits, guaranteed charges, or guaranteed credits that are unilaterally made by the insurer after issue and that are effective for more than one year after the date of the change shall be the greatest of the following:

- 1) Reserves calculated ignoring the guarantee.
- 2) Reserves assuming the guarantee was made at issue, and
- 3) Reserves assuming that the policy was issued on the date of the guarantee.

f) The Director may require that the company document the extent of the adequacy of reserves for specified blocks. This documentation may include a demonstration of the extent to which aggregation with other non-specified blocks of business is relied upon in the formation of the appointed actuary opinion pursuant to, and consistent with, the requirements of 50 Ill. Adm. Code 1408.90(a).

g) 1204 of the base-select-mortality-factors found in Appendix A of this Part, or

e) 1204 of the base-select-mortality-factors found in Appendix A of this Part for the first ten policy years, then linearly graded from the resulting tenth-year factor to 1804 at policy year 16.

2) Notwithstanding the above, if the length of the first segment as determined by the contract segmentation method for the basic reserves is not greater than five years (safe harbor), then for that length of time measured from the actual issue date, for either the unitary method or the contract segmentation method gross premiums need not be substituted for net premiums, even if the gross premiums are less than the net premiums, for subsequent periods; gross premiums must be substituted for net premiums if the gross premiums are less than the corresponding net premiums.

3) For any policies for which the company chooses to use the "safe harbor", the company must submit on an annual basis to the Director a statement of actuarial opinion signed by the appointed actuary certifying that the reserves held for all such policies are adequate:

e) In applying percentages to the base-select mortality factors:

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i) Be not round any result; and

j) Set equal to 100 any result that exceeds 100.

k) This subsection (d) applies to both basic reserves and deficiency reserves. Any set of base-select mortality factors may be used only for the first segment. However, if the first segment is less than ten years, the appropriate ten-year select mortality factors may be used thereafter through the tenth policy year from the date of issue.

l) In determining basic reserves or deficiency reserves, gross premiums without policy fees may be used where the calculation involves the gross premium but only if the policy fee is a level dollar amount for the entire premium-paying period of the policy. In determining deficiency reserves, policy fees may be included in gross premiums even if not included in the actual calculation of basic reserves.

(Source: Amended at 23 Ill. Reg. _____, effective _____.)

Section 1409.50 Calculation of Minimum Valuation Standard for Policies with Guaranteed Nonlevel Premiums or Guaranteed Nonlevel Benefits (Other Than Universal Life Policies)

a) Basic Reserves.

Basic reserves shall be calculated as the greater of the segmented reserves and the unitary reserves. Both the segmented reserves and the unitary reserves for any policy must use the same valuation mortality table and selection factors. At the option of the insurer, in calculating segmented reserves and net premiums, either of the adjustments described in subsection (a)(1) or (2) below may be made:

1) Treat the unitary reserve, if greater than zero, applicable at the end of each segment as a pure endowment; and subtract the unitary reserve, if greater than zero, applicable at the beginning of each segment from the present value of guaranteed life insurance and endowment benefits for each segment.

2) Treat the guaranteed cash surrender value, if greater than zero, applicable at the end of each segment as a pure endowment; and subtract the guaranteed cash surrender value, if greater than zero, applicable at the beginning of each segment from the present value of guaranteed life insurance and endowment benefits for each segment.

b) Deficiency Reserves.

1) This subsection (b) shall apply to any policy for which the guaranteed gross premium at any duration is less than the corresponding modified net premium calculated by the method used in determining the basic reserves, but using the minimum valuation standards of mortality (specified in subsection (b) of this Part) and rate of interest.

2) The deficiency reserve at any duration shall be calculated:

A) On a unitary basis if the corresponding basic reserve

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- determined by subsection (a) above is unitary;
- B) On a segmented basis if the corresponding basic reserve determined by subsection (a) above is segmented; or
 - C) On the segmented basis if the corresponding basic reserve determined by subsection (a) above is equal to both the segmented reserve and the unitary reserve.
- 3) Deficiency reserves, if any, shall be calculated for each policy as the excess if greater than zero, for the current and all remaining periods, of the quantity A over the basic reserve, where A is obtained as indicated in subsection (b) of Section 1409.40 of this Part.
 - 4) For deficiency reserves determined on a segmented basis, the quantity A is determined using segment lengths equal to those determined for segmented basic reserves.
 - c) Minimum Value.

Basic reserves may not be less than the tabular cost of insurance for the balance of the policy year, if mean reserves are used. Basic reserves may not be less than the tabular cost of insurance for the balance of the current modal period or to the paid-to-date, if later, but not beyond the next policy anniversary, if mid-terminal reserves are used. The tabular cost of insurance must use the same valuation mortality table--select-mortality factor and interest rates as that used for the calculation of both the segmented and the unitary reserves. However, if select mortality factors are used, they shall be the ten-year select factors incorporated into the 1980 amendments of the NAIC Standard Valuation Law. In no case may total reserves (including basic reserves, deficiency reserves and any reserves held for supplemental benefits that would expire upon contract termination) be less than the amount that the policyowner would receive (including the cash surrender value of the supplemental benefits, if any, referred to above), exclusive of any deduction for policy loans, upon termination of the policy.

 - d) Unusual Pattern of Guaranteed Cash Surrender Values.
 - 1) For any policy with an unusual pattern of guaranteed cash surrender values, the reserves actually held prior to the first unusual guaranteed cash surrender value shall not be less than the reserves calculated by treating the first unusual guaranteed cash surrender value as a pure endowment and treating the policy as an n year policy providing term insurance plus a pure endowment equal to the unusual cash surrender value, where n is the number of years from the date of issue to the date the unusual cash surrender value is scheduled.
 - 2) The reserves actually held subsequent to any unusual guaranteed cash surrender value shall not be less than the reserves calculated by treating the policy as an n year policy providing term insurance plus a pure endowment equal to the next unusual guaranteed cash surrender value, and treating any unusual guaranteed cash surrender value at the end of the prior segment

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as a net single premium, where:

- A) n is the number of years from the date of the last unusual guaranteed cash surrender value prior to the valuation date to the earlier of:
 - i) The date of the next unusual guaranteed cash surrender value, if any, that is scheduled after the valuation date; or
 - ii) The mandatory expiration date of the policy; and
- B) The net premium for a given year during the n year period is equal to the product of the net to gross ratio and the respective gross premium; and
- C) The net to gross ratio is equal to (d)(2)(C)(i) divided by (d)(2)(C)(ii).
 - i) The present value, at the beginning of the n year period, of death benefits payable during the n year period plus the present value, at the beginning of the n year period, of the next unusual guaranteed cash surrender value, if any, minus the amount of the last unusual guaranteed cash surrender value, if any, scheduled at the beginning of the n year period.
 - ii) The present value, at the beginning of the n year period, of the scheduled gross premiums payable during the n year period.
- 3) For purposes of this subsection (d), a policy is considered to have an unusual pattern of guaranteed cash surrender values if any future guaranteed cash surrender value exceeds the prior year's guaranteed cash surrender value by more than the sum of:
 - A) 110% of the scheduled gross premium for that year;
 - B) 110% of one year's accrued interest on the sum of the prior year's guaranteed cash surrender value and the scheduled gross premium using the nonforfeiture interest rate used for calculating policy guaranteed cash surrender values; and
- e) Optional Exemption for Yearly Renewable Term (YRT) Reinsurance.

At the option of the company, the following approach for reserves on YRT reinsurance may be used.

 - 1) Calculate the valuation net premium for each future policy year as the tabular cost of insurance for that future year.
 - 2) Basic reserves shall never be less than the tabular cost of insurance for the appropriate period, as defined in subsection (c) of this Section.
 - 3) Deficiency Reserves.
 - A) For each policy year, calculate the excess, if greater than zero, of the valuation net premium over the respective maximum guaranteed gross premium.
 - B) Deficiency reserves shall never be less than the sum of the determined values, at the date of valuation, of the excesses determined in accordance with subsection (e)(3)(i)+(A) of

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this Section.

- 4) For purposes of this subsection (e), the calculations use the maximum valuation interest rate and the 1980 CSO mortality tables with or without ten-year select mortality factors.
- 5) A reinsurance agreement shall be considered YRT reinsurance for purposes of this subsection (e) if: ~~A) the reinsurance premium rates for both the initial current premium scale and the guaranteed maximum premium scale for any given year are independent of both the premium rates and the plan of the original policy and by only the mortality risk is reinsured.~~
 - f) Optional Exemption for Attained-Age-Based Yearly Renewable Term Life Insurance Policies.
At the option of the company, the following approach for reserves for attained-age-based YRT life insurance policies may be used.
 - 1) Calculate the valuation net premium for each future policy year as the tabular cost of insurance for that future year.
 - 2) Basic reserves shall never be less than the tabular cost of insurance for the appropriate period, as defined in subsection (c).
 - 3) Deficiency Reserves.
 - A) For each policy year, calculate the excess, if greater than zero, of the valuation net premium over the respective maximum guaranteed gross premium.
 - B) Deficiency reserves shall never be less than the sum of the present values, at the date of valuation, of the excesses determined in accordance with subsection (f)(3) ~~(f)(2)(A)~~ above.
 - 4) For purposes of this subsection (f), the calculations use the maximum valuation interest rate and the 1980 CSO valuation tables with or without ten-year select mortality factors.
 - 5) A policy shall be considered an attained-age-based YRT life insurance policy for purposes of this subsection (f) if:
 - A) The premium rates (on both the initial current premium scale and the guaranteed maximum premium scale) are based upon the attained age of the insured such that the rate for any given policy at a given attained age of the insured is independent of the year the policy was issued; and
 - B) The premium rates (on both the initial current premium scale and the guaranteed maximum premium scale) are the same as the premium rates for policies covering all insureds of the same sex, risk class, plan of insurance and attained age.
 - 6) For policies that become attained-age-based YRT policies after an initial period of coverage, the approach of this subsection (f) may be used after the initial period if:
 - A) The initial period is constant for all insureds of the same sex, risk class and plan of insurance, or the initial period runs to a common attained age for all insureds of the same

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- sex, risk class and plan of insurance; and
- B) After the initial period of coverage, the policy meets the conditions of subsection (f)(5) ~~(f)~~ above.
- 7) If this election is made, this approach must be applied in determining reserves for all attained-age-based YRT life insurance policies issued on or after the effective date of this Part.
- g) Exemption from Unitary Reserves for Certain n-Year Renewable Term Life Insurance Policies.
Unitary basic reserves and unitary deficiency reserves need not be calculated for a policy if the following conditions are met:
 - 1) The policy consists of a series of n-year periods, including the first period and all renewal periods, wherein n is the same for each period, except that for the final renewal, n may be truncated or extended to reach the expiry age, provided that this final renewal period is less than 10 years and less than twice the size of the earlier n-year period, and for each n-year period, the premium rates on both the initial current premium scale and the guaranteed maximum premium scale are level;
 - 2) The guaranteed gross premiums in all n-year periods are not less than the corresponding net premiums based upon the 1980 CSO Table with or without the ten-year select mortality factors; and
 - 3) There are no cash surrender values in any policy year.
- h) Exemption from Unitary Reserves for Certain Juvenile Policies.
Unitary basic reserves and unitary deficiency reserves need not be calculated for a policy if the following conditions are met, based upon the initial current premium scale at issue:
 - 1) At issue, the insured is age 24 or younger;
 - 2) Until the insured reaches the end of the juvenile period, which must occur at or before age 25, the gross premiums and death benefits are level, and there are no cash surrender values; and
 - 3) After the end of the juvenile period, gross premiums are level for the remainder of the premium paying period, and death benefits are level for the remainder of the life of the policy.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 1409.60 Calculation of Minimum Valuation Standard for Flexible Premium and Fixed Premium Universal Life Insurance Policies That Contain Provisions Resulting in the Ability of a Policyowner to Keep a Policy in Force Over a Secondary Guarantee Period of More Than Five Years

- a) General.
 - 1) Policies with a secondary guarantee include, but are not limited to:
 - A) A policy with a guarantee that the policy will remain in force at the original schedule of benefits over a period

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exceeding--five--years, subject only to the payment of specified premiums;

- B) A policy in which the minimum premium at any future duration beyond the end of the fifth policy year is less than the corresponding one year valuation premium, calculated using the maximum valuation interest rate and the 1980 CSO valuation tables with or without ten-year select mortality factors; or

- C) A policy with any combination of (A)(1)(A) and (B) above.
- 2) A secondary guarantee period is the longest period for which the policy is guaranteed to remain in force subject only to a secondary guarantee. When a policy contains more than one secondary guarantee, the minimum reserve shall be the greatest of the respective minimum reserves at that valuation date of each unexpired secondary guarantee, ignoring all other secondary guarantees. Secondary guarantees that are unilaterally changed extended by the insurer after issue, whether by rider or otherwise, shall be considered to have been made at issue. Reserves described in subsections (b) and (c) below must be recalculated from issue to reflect the extensions.

- 3) Specified premiums mean the premiums specified in the policy (or imputable by the terms of the policy), the payment of which guarantees that the policy will remain in force at the original schedule of benefits, but which otherwise would be insufficient to keep the policy in force in the absence of the guarantee if maximum mortality and expense charges and minimum interest credits were made and any applicable surrender charges were assessed.

- 4) For purposes of this Section, the minimum premium for any policy year is the premium that, when paid into a policy with a zero account value at the beginning of the policy year, produces a zero account value at the end of the policy year. The minimum premium calculation must use the policy cost factors (including mortality charges, loads and expense charges) and the interest crediting rate, which are all guaranteed at issue.

- 5) The one-year valuation premium means the net one-year premium based upon the original schedule of benefits for a given policy year. The one-year valuation premiums for all policy years are calculated at issue. The select mortality factors defined in Section subsections 1409.40(b)(3) and (4) ~~(a)(1)(B) and (6) of Section 1409.40 and subsections (b)(1)(B) and (6) of Section 1409.40~~ may not be used to calculate the one-year valuation premiums.

- 6) The one-year valuation premium should reflect the frequency of fund processing, as well as the distribution of deaths assumption employed in the calculation of the monthly charges to the fund.

- b) Basic Reserves for the Secondary Guarantees.

Basic reserves for the secondary guarantees shall be the segmented

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reserves for the secondary guarantee period. In calculating the segments and the segmented reserves, the gross premiums shall be set equal to the specified premiums, if any, or otherwise to the minimum premiums, that keep the policy in force and the segments will be determined according to the contract segmentation method as defined in Section 1409.30 of this Part.

- c) Deficiency Reserves for the Secondary Guarantees.

Deficiency Reserves, if any, for the secondary guarantees shall be calculated for the secondary guarantee period in the same manner as described in subsection (b) of Section 1409.30 of this Part with gross premiums set equal to the specified premiums, if any, or otherwise to the minimum premiums that keep the policy in force.

- d) Minimum Reserves.
- The minimum reserves during the secondary guarantee period are the greater of:

- 1) The basic reserves for the secondary guarantee plus the deficiency reserve, if any, for the secondary guarantees; or
- 2) The minimum reserves required by the NAIC's Universal Life Insurance Model Regulation.

basic--reserves--for--the--secondary--guarantee--plus--the--deficiency reserve--if--any--for--the--secondary--guarantee.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

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Section 1409. APPENDIX A Base Select Mortality Factors

This Appendix contains tables of select mortality factors that are the bases upon which the respective percentage of sub-sections (a)(1)-(4) and (c) of Section 1409.48 and sub-sections (b)(1)-(4) and (d) of Section 1409.48 are applied. Of the six tables of base select mortality factors which contained herein include:

- 1) male aggregate,
- 2) male nonsmoker,
- 3) male smoker,
- 4) female aggregate,
- 5) female nonsmoker, and
- 6) female smoker.

These tables apply to both age last birthday and age nearest birthday mortality tables.

c) For sex-blended mortality tables, compute base select mortality factors in the same proportion as the underlying mortality. For example, for the 1980 GSO-B table, the calculated base select mortality factors are 80% of the appropriate male table in this Appendix plus 20% of the appropriate female table in this Appendix.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

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Section 1409 ILLUSTRATION A Male, Aggregate Base Valuation Selection Factors²

Issue Age	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20+
0-15	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
16	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
17	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
18	96	98	98	99	99	100	100	90	92	92	92	93	93	96	97	98	98	99	100	100
19	83	84	84	87	87	79	79	79	81	81	82	82	82	85	88	91	94	97	100	100
20	69	71	71	74	74	69	69	67	69	70	71	71	71	74	79	84	90	95	100	100
21	66	68	69	71	66	66	67	66	67	70	70	70	71	71	77	83	88	94	100	100
22	65	66	66	63	63	64	64	64	65	68	68	68	69	71	77	83	88	94	100	100
23	62	63	59	60	62	62	63	63	64	65	65	67	67	69	70	76	82	88	94	100
24	60	56	56	59	60	61	61	61	64	64	64	66	67	70	76	82	88	94	100	100
25	52	53	55	56	58	58	60	60	60	62	63	64	67	69	75	81	88	94	100	100
26	51	52	55	56	58	58	57	61	62	63	64	66	69	73	80	86	93	100	100	100
27	51	52	55	57	58	60	61	61	60	63	63	64	67	66	74	80	87	93	100	100
28	49	51	56	58	60	60	61	62	62	63	64	66	65	66	68	74	81	87	94	100
29	49	51	56	58	60	61	62	62	62	64	64	62	66	67	70	76	82	88	94	100
30	49	50	56	58	60	60	62	63	63	64	62	63	67	68	71	77	83	88	94	100
31	47	50	56	58	60	62	63	64	62	63	66	68	70	72	78	83	89	94	100	100
32	46	49	56	59	60	62	63	66	62	63	66	67	70	72	73	78	84	89	95	100
33	43	49	56	59	62	63	64	62	65	66	67	70	72	73	75	80	85	90	95	100
34	42	47	56	60	62	63	61	63	66	67	70	71	73	75	76	81	86	90	95	100
35	40	47	56	60	63	61	62	65	67	68	71	73	74	76	76	81	86	90	95	100
36	38	42	56	60	59	61	63	65	67	68	70	72	74	76	77	82	86	91	95	100
37	38	45	56	57	61	62	63	65	67	68	70	72	74	76	77	81	86	90	95	100
38	37	44	53	58	61	62	65	66	67	69	73	75	76	77	82	86	91	95	100	100
39	37	41	53	58	62	63	65	66	68	72	74	76	76	81	86	90	95	100	100	100
40	34	40	53	58	62	63	65	66	68	71	75	76	77	82	86	91	95	100	100	100
41	34	41	53	58	62	63	65	64	66	68	70	74	76	77	83	86	91	95	100	100
42	34	43	53	58	61	62	63	63	64	66	69	72	75	77	82	86	91	95	100	100
43	34	43	54	59	60	61	63	62	64	66	67	72	74	77	82	86	91	95	100	100
44	34	44	54	58	59	60	61	60	61	62	64	67	71	74	77	82	86	91	95	100
45	34	45	53	58	59	60	60	60	59	60	63	66	71	74	77	82	86	91	95	100
46	31	43	52	56	57	58	59	59	60	63	67	71	74	75	80	85	90	95	100	100
47	32	42	50	53	55	56	57	58	59	60	65	68	71	74	75	80	85	90	95	100
48	32	41	47	52	54	56	57	57	61	65	68	72	73	74	79	84	90	95	100	100
49	30	40	46	49	52	54	55	56	57	61	66	69	72	73	74	79	84	90	95	100
50	30	38	44	47	51	53	54	56	57	61	66	71	72	73	75	80	85	90	95	100
51	28	37	42	46	49	53	54	56	57	61	72	73	75	76	78	83	88	93	98	100
52	28	35	41	45	49	51	54	56	57	61	66	71	72	74	75	80	85	90	95	100

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

Issue Age	Duration																		
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19/20+
53	27	35	39	44	48	51	53	55	57	61	67	71	74	75	76	81	86	100	100
54	27	33	38	44	48	50	53	55	57	61	67	72	74	75	76	81	100	100	100
55	25	32	37	43	47	50	53	55	57	61	67	72	74	75	78	100	100	100	100
56	25	32	37	43	47	49	51	54	56	61	67	70	73	74	100	100	100	100	100
57	24	31	38	43	47	49	51	54	56	59	66	69	72	100	100	100	100	100	100
58	24	31	38	43	48	50	53	56	59	64	67	100	100	100	100	100	100	100	100
59	23	30	39	43	48	51	53	55	58	63	100	100	100	100	100	100	100	100	100
60	23	30	39	43	48	47	50	52	53	57	100	100	100	100	100	100	100	100	100
61	23	30	34	43	49	49	50	52	53	75	100	100	100	100	100	100	100	100	100
62	23	30	34	44	49	51	52	53	75	100	100	100	100	100	100	100	100	100	100
63	22	30	39	45	50	52	55	75	75	100	100	100	100	100	100	100	100	100	100
64	22	30	39	45	50	51	75	75	75	100	100	100	100	100	100	100	100	100	100
65	22	30	39	45	50	70	70	70	70	100	100	100	100	100	100	100	100	100	100
66	22	30	39	45	60	65	70	70	70	100	100	100	100	100	100	100	100	100	100
67	22	30	39	60	60	65	70	70	70	100	100	100	100	100	100	100	100	100	100
68	23	32	55	60	60	65	70	70	70	100	100	100	100	100	100	100	100	100	100
69	23	32	55	60	60	65	70	70	70	100	100	100	100	100	100	100	100	100	100
70	48	52	55	60	60	65	70	70	70	100	100	100	100	100	100	100	100	100	100
71	48	52	55	60	60	65	70	70	70	100	100	100	100	100	100	100	100	100	100
72	48	52	55	60	60	65	70	70	70	100	100	100	100	100	100	100	100	100	100
73	48	52	55	60	60	65	70	70	70	100	100	100	100	100	100	100	100	100	100
74	48	52	55	60	60	65	70	70	70	100	100	100	100	100	100	100	100	100	100
75	48	52	55	60	60	65	70	70	70	100	100	100	100	100	100	100	100	100	100
76	48	52	55	60	60	65	70	70	70	100	100	100	100	100	100	100	100	100	100
77	48	52	55	60	60	65	70	70	100	100	100	100	100	100	100	100	100	100	100
78	48	52	55	60	60	65	70	100	100	100	100	100	100	100	100	100	100	100	100
79	48	52	55	60	60	65	100	100	100	100	100	100	100	100	100	100	100	100	100
80	48	52	55	60	60	100	100	100	100	100	100	100	100	100	100	100	100	100	100
81	48	52	55	60	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
82	48	52	55	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
83	48	52	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
84	48	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
85+	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

Issue Age	Duration																		
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16+			
0	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100			
1	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100			
2	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100			
3	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100			
4	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100			
5	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100			
6	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100			
7	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100			
8	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100			
9	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100			
10	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100			
11	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100			
12	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100			
13	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100			
14	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100			
15	91	91	91	92	92	92	92	92	92	92	92	92	92	92	92	92			
16	82	82	82	83	83	83	83	83	84	84	84	84	84	84	84	84			
17	73	74	74	73	73	73	73	73	73	73	73	73	73	73	73	73			
18	59	59	59	59	59	59	59	59	59	59	59	59	59	59	59	59			
19	59	59	59	59	59	59	59	59	59	59	59	59	59	59	59	59			
20	48	47	47	49	49	50	50	48	50	51	51	51	51	51	51	51			
21	48	48	48	48	48	48	47	47	47	48	48	48	48	48	48	48			
22	48	48	48	48	48	48	48	48	48	48	48	48	48	48	48	48			
23	41	42	43	43	43	43	43	43	43	43	43	43	43	43	43	43			
24	40	41	41	43	43	44	44	44	44	45	45	45	45	45	45	45			
25	39	39	40	41	42	42	43	43	43	43	43	43	43	43	43	43			
26	39	39	40	42	43	44	45	45	45	45	45	45	45	45	45	45			
27	37	38	40	41	42	43	43	43	43	43	43	43	43	43	43	43			
28	36	37	39	40	41	42	43	43	43	43	43	43	43	43	43	43			
29	35	36	37	40	41	42	43	43	43	43	43	43	43	43	43	43			
30	35	36	40	42	43	44	45	45	45	45	45	45	45	45	45	45			
31	34	35	40	42	44	45	46	47	47	48	48	48	48	48	48	48			
32	33	34	40	42	44	45	46	47	47	48	48	48	48	48	48	48			
33	33	34	41	44	45	46	47	48	48	49	49	49	49	49	49	49			
34	33	34	41	44	45	46	47	48	48	49	49	49	49	49	49	49			
35	29	34	41	44	46	47	48	49	49	50	50	50	50	50	50	50			
36	28	33	41	44	46	47	48	49	49	50	50	50	50	50	50	50			
37	27	32	41	45	47	48	49	50	51	52	52	52	52	52	52	52			
38	27	32	41	45	47	48	49	51	51	52	52	52	52	52	52	52			
39	26	31	41	45	48	49	51	51	52	53	53	53	53	53	53	53			
40	26	31	41	45	48	49	51	51	51	52	52	52	52	52	52	52			
41	26	31	41	45	48	49	51	51	51	51	51	51	51	51	51	51			
42	20	23	41	43	48	49	50	50	50	50	50	50	50	50	50	50			
43	20	23	41	43	48	49	50	50	50	50	50	50	50	50	50	50			
44	20	23	41	43	48	49	50	50	50	50	50	50	50	50	50	50			
45	20	23	41	43	48	49	50	50	50	50	50	50	50	50	50	50			

Factors are a percent of the 1980 CBO Year Mortality (without 10 year saved) rate of mortality for the same age. Factors are

DEPARTMENT OF INSURANCE
NOTICE OF PROPOSED AMENDMENTS

ISSUE	DURATION														
AGE	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
106	26	35	42	46	47	48	49	49	49	50	55	59	65	64	100
107	20	34	41	43	46	47	48	49	49	50	50	59	66	66	100
108	20	34	41	43	46	47	48	49	49	50	50	59	66	66	100
109	20	34	41	43	46	47	48	49	49	50	50	59	66	66	100
110	20	34	41	43	46	47	48	49	49	50	50	59	66	66	100
111	20	34	41	43	46	47	48	49	49	50	50	59	66	66	100
112	20	34	41	43	46	47	48	49	49	50	50	59	66	66	100
113	20	34	41	43	46	47	48	49	49	50	50	59	66	66	100
114	20	34	41	43	46	47	48	49	49	50	50	59	66	66	100
115	20	34	41	43	46	47	48	49	49	50	50	59	66	66	100
116	20	34	41	43	46	47	48	49	49	50	50	59	66	66	100
117	20	34	41	43	46	47	48	49	49	50	50	59	66	66	100
118	20	34	41	43	46	47	48	49	49	50	50	59	66	66	100
119	20	34	41	43	46	47	48	49	49	50	50	59	66	66	100
120	24	31	38	38	42	44	49	47	48	51	55	58	60	61	100
121	23	29	34	36	41	45	46	47	46	51	55	59	60	61	100
122	23	29	34	36	41	45	47	46	51	55	59	60	61	62	100
123	22	28	33	35	40	44	47	46	51	56	59	61	62	63	100
124	22	29	33	37	40	42	44	46	51	56	59	61	62	63	100
125	21	27	31	36	39	43	44	46	51	56	59	61	62	64	100
126	21	27	31	36	39	43	44	46	51	56	59	61	62	64	100
127	20	28	32	36	39	41	43	45	48	54	57	59	60	62	100
128	20	28	32	36	40	42	44	46	49	55	57	59	60	62	100
129	18	23	30	30	40	40	42	44	46	52	54	56	57	59	100
130	19	23	30	30	40	38	41	43	44	51	52	54	56	59	100
131	19	23	30	30	40	41	43	44	46	50	52	54	56	59	100
132	19	23	30	30	40	41	43	44	46	50	52	54	56	59	100
133	19	23	30	30	40	41	43	44	46	50	52	54	56	59	100
134	19	23	30	30	40	41	43	44	46	50	52	54	56	59	100
135	16	25	32	37	41	41	43	44	45	48	48	51	54	57	100
136	16	25	32	37	41	41	43	44	45	48	47	50	54	57	100
137	16	25	32	37	41	41	43	44	45	48	46	51	55	57	100
138	16	25	32	37	41	41	43	44	45	48	46	51	55	57	100
139	16	25	32	37	41	41	43	44	45	48	46	51	55	57	100
140	16	25	32	37	41	41	43	44	45	48	46	51	55	57	100
141	16	25	32	37	41	41	43	44	45	48	46	51	55	57	100
142	16	25	32	37	41	41	43	44	45	48	46	51	55	57	100
143	16	25	32	37	41	41	43	44	45	48	46	51	55	57	100
144	16	25	32	37	41	41	43	44	45	48	46	51	55	57	100
145	16	25	32	37	41	41	43	44	45	48	46	51	55	57	100
146	16	25	32	37	41	41	43	44	45	48	46	51	55	57	100
147	16	25	32	37	41	41	43	44	45	48	46	51	55	57	100
148	16	25	32	37	41	41	43	44	45	48	46	51	55	57	100
149	16	25	32	37	41	41	43	44	45	48	46	51	55	57	100
150	16	25	32	37	41	41	43	44	45	48	46	51	55	57	100
151	16	25	32	37	41	41	43	44	45	48	46	51	55	57	100
152	16	25	32	37	41	41	43	44	45	48	46	51	55	57	100
153	16	25	32	37	41	41	43	44	45	48	46	51	55	57	100
154	16	25	32	37	41	41	43	44	45	48	46	51	55	57	100
155	16	25	32	37	41	41	43	44	45	48	46	51	55	57	100
156	16	25	32	37	41	41	43	44	45	48	46	51	55	57	100
157	16	25	32	37	41	41	43	44	45	48	46	51	55	57	100
158	16	25	32	37	41	41	43	44	45	48	46	51	55	57	100
159	16	25	32	37	41	41	43	44	45	48	46	51	55	57	100
160	16	25	32	37	41	41	43	44	45	48	46	51	55	57	100
161	16	25	32	37	41	41	43	44	45	48	46	51	55	57	100
162	16	25	32	37	41	41	43	44	45	48	46	51	55	57	100
163	16	25	32	37	41	41	43	44	45	48	46	51	55	57	100
164	16	25	32	37	41	41	43	44	45	48	46	51	55	57	100
165	16	25	32	37	41	41	43	44	45	48	46	51	55	57	100
166	16	25	32	37	41	41	43	44	45	48	46	51	55	57	100
167	16	25	32	37	41	41	43	44	45	48	46	51	55	57	100
168	16	25	32	37	41	41	43	44	45	48	46	51	55	57	100
169	16	25	32	37	41	41	43	44	45	48	46	51	55	57	100
170	16	25	32	37	41	41	43	44	45	48	46	51	55	57	100
171	16	25	32	37	41	41	43	44	45	48	46	51	55	57	100
172	16	25	32	37	41	41	43	44	45	48	46	51	55	57	100
173	16	25	32	37	41	41	43	44	45	48	46	51	55	57	100
174	16	25	32	37	41	41	43	44	45	48	46	51	55	57	100
175	16	25	32	37	41	41	43	44	45	48	46	51	55	57	100
176	16	25	32	37	41	41	43	44	45	48	46	51	55	57	100
177	16	25	32	37	41	41	43	44	45	48	46	51	55	57	100
178	16	25	32	37	41	41	43	44	45	48	46	51	55	57	100
179	16	25	32	37	41	41	43	44	45	48	46	51	55	57	100
180	16	25	32	37	41	41	43	44	45	48	46	51	55	57	100
181	16	25	32	37	41	41	43	44	45	48	46	51	55	57	100
182	16	25	32	37	41	41	43	44	45	48	46	51	55	57	100
183	16	25	32	37	41	41	43	44	45	48	46	51	55	57	100
184	16	25	32	37	41	41	43	44	45	48	46	51	55	57	100
185	16	25	32	37	41	41	43	44	45	48	46	51	55	57	100
186	16	25	32	37	41	41	43	44	45	48	46	51	55	57	100
187	16	25	32	37	41	41	43	44	45	48	46	51	55	57	100
188	16	25	32	37	41	41	43	44	45	48	46	51	55	57	100
189	16	25	32	37	41	41	43	44	45	48	46	51	55	57	100
190	16	25	32	37	41	41	43	44	45	48	46	51	55	57	100
191	16	25	32	37	41	41	43	44	45	48	46	51	55	57	100
192	16	25	32	37	41	41	43	44	45	48	46	51	55	57	100
193	16	25	32	37	41	41	43	44	45	48	46	51	55	57	100
194	16	25	32	37	41	41	43	44	45	48	46	51	55	57	100
195	16	25	32	37	41	41	43	44	45	48	46	51	55	57	100
196	16	25	32	37	41	41	43	44	45	48	46	51	55	57	100
197	16	25	32	37	41	41	43	44	45	48	46	51	55	57	100
198	16	25	32	37	41	41	43	44	45	48	46	51	55	57	100
199	16	25	32	37	41	41	43	44	45	48	46	51	55	57	100
200	16	25	32	37	41	41	43	44	45	48	46	51	55	57	100
201	16	25	32	37	41	41	43	44	45	48	46	51	55	57	100
202	16	25	32	37	41	41	43	44	45	48	46	51	55	57	100
203	16	25	32	37	41	41	43	44	45	48	46	51	55	57	100
204	16	25	32	37	41	41	43	44	45	48	46	51	55	57	100
205	16	25	32	37	41	41	43	44	45	48	46	51	55	57	100
206	16	25	32	37	41	41	43	44	45	48	46	51	55	57	100
207	16	25	32	37	41	41	43	44	45	48	46	51	55	57	100
208	16	25	32	37	41	41	43	44	45	48	46	51	55	57	100
209	16	25	32	37	41	41	43	44	45	48	46	51	55		

⁴Factors are a percent of the 1989 GSO Male Mortality (without 10-year selected rate of mortality for the attained age). Factors are based on the 1980 GSO Male Mortality Table and 100% of the 85-86 SGA intercompany experience.

DEPARTMENT OF INSURANCE
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^a Factors are a percent of the 1980 GSO Male Mortality (without 10-year select rate of mortality for the attained age). Factors are based on the 1980 GSO Male Mortality Table and 1.0% of the 80-85 GSA microcompany experience.

(Source: Amended at 23 Ill. Reg. , effective

ILLINOIS REGISTER

DEPARTMENT OF INSURANCE

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS

[illegible]

ISSUE- MODE 1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
BURNUP-															
40	23	38	41	45	47	48	47	47	47	48	51	55	55	57	100
40	23	39	40	43	45	47	47	47	48	51	54	54	54	56	100
41	24	39	40	43	45	47	47	47	48	51	54	54	54	56	100
41	24	39	40	43	45	47	47	47	48	51	54	54	54	56	100
42	25	40	41	44	46	48	47	47	48	51	54	54	54	56	100
42	25	40	41	44	46	48	47	47	48	51	54	54	54	56	100
43	26	41	42	45	47	49	48	48	49	52	55	55	55	57	100
43	26	41	42	45	47	49	48	48	49	52	55	55	55	57	100
44	27	42	43	46	48	50	49	49	50	53	56	56	56	58	100
44	27	42	43	46	48	50	49	49	50	53	56	56	56	58	100
45	28	43	44	47	49	51	50	50	51	54	57	57	57	59	100
45	28	43	44	47	49	51	50	50	51	54	57	57	57	59	100
46	29	44	45	48	50	52	51	51	52	55	58	58	58	60	100
46	29	44	45	48	50	52	51	51	52	55	58	58	58	60	100
47	30	45	46	49	51	53	52	52	53	56	59	59	59	61	100
47	30	45	46	49	51	53	52	52	53	56	59	59	59	61	100
48	31	46	47	50	52	54	53	53	54	57	60	60	60	62	100
48	31	46	47	50	52	54	53	53	54	57	60	60	60	62	100
49	32	47	48	51	53	55	54	54	55	58	61	61	61	63	100
49	32	47	48	51	53	55	54	54	55	58	61	61	61	63	100
50	33	48	49	52	54	56	55	55	56	59	62	62	62	64	100
50	33	48	49	52	54	56	55	55	56	59	62	62	62	64	100
51	34	49	50	53	55	57	56	56	57	60	63	63	63	65	100
51	34	49	50	53	55	57	56	56	57	60	63	63	63	65	100
52	35	50	51	54	56	58	57	57	58	61	64	64	64	66	100
52	35	50	51	54	56	58	57	57	58	61	64	64	64	66	100
53	36	51	52	55	57	59	58	58	59	62	65	65	65	67	100
53	36	51	52	55	57	59	58	58	59	62	65	65	65	67	100
54	37	52	53	56	58	60	59	59	60	63	66	66	66	68	100
54	37	52	53	56	58	60	59	59	60	63	66	66	66	68	100
55	38	53	54	57	59	61	60	60	61	64	67	67	67	69	100
55	38	53	54	57	59	61	60	60	61	64	67	67	67	69	100
56	39	54	55	58	60	62	61	61	62	65	68	68	68	70	100
56	39	54	55	58	60	62	61	61	62	65	68	68	68	70	100
57	40	55	56	59	61	63	62	62	63	66	69	69	69	71	100
57	40	55	56	59	61	63	62	62	63	66	69	69	69	71	100
58	41	56	57	60	62	64	63	63	64	67	70	70	70	72	100
58	41	56	57	60	62	64	63	63	64	67	70	70	70	72	100
59	42	57	58	61	63	65	64	64	65	68	71	71	71	73	100
59	42	57	58	61	63	65	64	64	65	68	71	71	71	73	100
60	43	58	59	62	64	66	65	65	66	69	72	72	72	74	100
60	43	58	59	62	64	66	65	65	66	69	72	72	72	74	100
61	44	59	60	63	65	67	66	66	67	70	73	73	73	75	100
61	44	59	60	63	65	67	66	66	67	70	73	73	73	75	100
62	45	60	61	64	66	68	67	67	68	71	74	74	74	76	100
62	45	60	61	64	66	68	67	67	68	71	74	74	74	76	100
63	46	61	62	65	67	69	68	68	69	72	75	75	75	77	100
63	46	61	62	65	67	69	68	68	69	72	75	75	75	77	100
64	47	62	63	66	68	70	69	69	70	73	76	76	76	78	100
64	47	62	63	66	68	70	69	69	70	73	76	76	76	78	100
65	48	63	64	67	69	71	70	70	71	74	77	77	77	79	100
65	48	63	64	67	69	71	70	70	71	74	77	77	77	79	100
66	49	64	65	68	70	72	71	71	72	75	78	78	78	80	100
66	49	64	65	68	70	72	71	71	72	75	78	78	78	80	100
67	50	65	66	69	71	73	72	72	73	76	79	79	79	81	100
67	50	65	66	69	71	73	72	72	73	76	79	79	79	81	100
68	51	66	67	70	72	74	73	73	74	77	80	80	80	82	100
68	51	66	67	70	72	74	73	73	74	77	80	80	80	82	100
69	52	67	68	71	73	75	74	74	75	78	81	81	81	83	100
69	52	67	68	71	73	75	74	74	75	78	81	81	81	83	100
70	53	68	69	72	74	76	75	75	76	79	82	82	82	84	100
70	53	68	69	72	74	76	75	75	76	79	82	82	82	84	100
71	54	69	70	73	75	77	76	76	77	80	83	83	83	85	100
71	54	69	70	73	75	77	76	76	77	80	83	83	83	85	100
72	55	70	71	74	76	78	77	77	78	81	84	84	84	86	100
72	55	70	71	74	76	78	77	77	78	81	84	84	84	86	100
73	56	71	72	75	77	79	78	78	79	82	85	85	85	87	100
73	56	71	72	75	77	79	78	78	79	82	85	85	85	87	100
74	57	72	73	76	78	80	79	79	80	83	86	86	86	88	100
74	57	72	73	76	78	80	79	79	80	83	86	86	86	88	100
75	58	73	74	77	79	81	80	80	81	84	87	87	87	89	100
75	58	73	74	77	79	81	80	80	81	84	87	87	87	89	100
76	59	74	75	78	80	82	81	81	82	85	88	88	88	90	100
76	59	74	75	78	80	82	81	81	82	85	88	88	88	90	100
77	60	75	76	79	81	83	82	82	83	86	89	89	89	91	100
77	60	75	76	79	81	83	82	82	83	86	89	89	89	91	100
78	61	76	77	80	82	84	83	83	84	87	90	90	90	92	100
78	61	76	77	80	82	84	83	83	84	87	90	90	90	92	100
79	62	77	78	81	83	85	84	84	85	88	91	91	91	93	100
79	62	77	78	81	83	85	84	84	85	88	91	91	91	93	100
80	63	78	79	82	84	86	85	85	86	89	92	92	92	94	100
80	63	78	79	82	84	86	85	85	86	89	92	92	92	94	100
81	64	79	80	83	85	87	86	86	87	90	93	93	93	95	100
81	64	79	80	83	85	87	86	86	87	90	93	93	93	95	100
82	65	80	81	84	86	88	87	87	88	91	94	94	94	96	100
82	65	80	81	84	86	88	87	87	88	91	94	94	94	96	100
83	66	81	82	85	87	89	88	88	89	92	95	95	95	97	100
83	66	81	82	85	87	89	88	88	89	92	95	95	95	97	100
84	67	82	83	86	88	90	89	89	90	93	96	96	96	98	100
84	67	82	83	86	88	90	89	89	90	93	96	96	96	98	100
85	68	83	84	87	89	91	90	90	91	94	97	97	97	99	100
85	68	83	84	87	89	91	90	90	91	94	97	97	97	99	100
86	69	84	85	88	90	92	91	91	92	95	98	98	98	100	100
86	69	84	85	88	90	92	91	91	92	95	98	98	98	100	100
87	70	85	86	89	91	93	92	92	93	96	99	99	99	101	100
87	70	85	86	89	91	93	92	92	93	96	99	99	99	101	100
88	71	86	87	90	92	94	93	93	94	97	100	100	100	100	100
88	71	86	87	90	92	94	93	93	94	97	100	100	100	100	100
89	72	87	88	91	93	95	94	94	95	98	101	101	101	100	100
89	72	87	88	91	93	95	94	94	95	98	101	101	101	100	100
90	73	88	89	92	94	96	95	95	96	99	102	102	102	100	100
90	73	88	89	92	94	96	95	95	96	99	102	102	102	100	100
91	74	89	90	93	95	97	96	96	97	100	103	103	103	100	100
91	74	89	90	93	95	97	96	96	97	100	103	103	103	100	100
92	75	90	91	94	96										

[illegible]

^a Factors are a percent of the 1980 CSO male nonsmoker mortality without 10 year selecti rate of mortality for the attained age cohort and percent of the 1980 CSO male nonsmoker mortality rate and 100% of the 85-86 SOA mortality experience.

DEPARTMENT OF INSURANCE

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AGE	DURATION														
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
30-100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
31-100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
32-100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
33-100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
34-100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
35-100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
36-100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
37-100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
38-100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
39-100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
40-100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
41-100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
42-100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
43-100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
44-100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
45-100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
46-100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
47-100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
48-100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
49-100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
50-100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
51-100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
52-100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100

Factors are a percent of the 1980 CMO Male Non-smoker Mortality without 10 year select rate of mortality for the attendant age. Factors are based on the 1980 CMO Male Non-smoker Mortality table and 100% of the 1980 CMO Mortality experience.

(Source: Amended at 23 Ill. Reg. _____, _____)

ILLINOIS REGISTER

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

Section 1409 ILLUSTRATION C Male Smoker Base-Valuation Selection Factors*

Issue Age	Duration														
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
0-15	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
16	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
17	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
18	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
19	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
20	95	98	100	100	100	100	100	99	99	100	99	99	100	100	100
21	95	98	100	100	95	96	95	96	97	97	96	96	96	97	98
22	92	95	96	90	90	93	93	92	93	95	95	93	92	93	94
23	90	92	85	88	88	89	89	80	90	90	89	90	92	94	95
24	87	81	82	85	84	86	88	86	88	88	86	86	88	91	93
25	77	78	79	82	81	83	83	83	84	84	85	84	85	86	89
26	75	77	79	82	83	83	82	83	84	84	84	84	85	85	89
27	73	75	78	82	82	83	83	82	82	82	84	80	81	85	89
28	71	73	79	82	81	82	83	81	81	82	82	80	81	85	89
29	69	72	78	81	81	82	82	81	81	81	81	77	80	81	85
30	68	71	78	81	81	82	81	81	81	81	76	77	80	81	85
31	65	70	77	81	79	81	82	81	81	81	76	77	79	81	85
32	63	67	77	78	79	81	81	76	77	77	80	83	83	85	88
33	60	65	74	78	79	81	76	77	77	79	80	83	85	85	88
34	57	62	71	77	79	75	76	77	79	79	81	83	85	87	90
35	53	60	73	77	79	75	75	76	77	79	80	82	84	86	88
36	52	59	71	75	75	75	76	77	79	79	81	83	85	87	90
37	49	58	70	74	74	75	76	77	78	79	81	84	86	89	92
38	48	55	66	70	72	74	75	76	78	79	81	83	85	87	90
39	45	50	65	70	72	74	75	77	79	81	84	86	88	90	92
40	41	49	63	68	71	72	73	74	76	78	80	83	85	86	89
41	40	49	63	68	71	72	73	75	76	78	81	84	85	88	91
42	40	49	62	68	70	71	71	73	75	76	78	81	83	85	88
43	39	50	62	67	69	70	70	71	73	76	79	83	85	88	91
44	39	50	60	66	68	69	69	69	71	74	79	81	85	88	91
45	37	50	60	66	68	68	67	67	67	67	67	73	78	81	85
46	37	48	58	63	65	67	66	66	67	71	75	79	81	84	87
47	36	47	55	61	63	64	64	65	67	71	75	79	81	84	87
48	35	46	53	58	60	62	63	63	65	67	72	75	79	81	83
49	34	45	51	56	58	59	61	62	63	67	72	77	80	81	83
50	34	43	49	53	55	57	60	61	63	67	73	78	80	81	83
51	32	42	47	52	55	57	60	61	63	67	73	78	80	83	84
52	32	40	46	50	54	56	60	61	63	67	73	78	81	84	85

DEPARTMENT OF INSURANCE

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NOTICE OF PROPOSED AMENDMENTS

NOTICE OF PROPOSED AMENDMENTS

DURATION

DURATION

AGE	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
45	63	58	47	52	54	55	55	55	55	55	55	55	55	55	55	55
46	63	58	47	52	54	55	55	55	55	55	55	55	55	55	55	55
47	63	58	47	52	54	55	55	55	55	55	55	55	55	55	55	55
48	63	58	47	52	54	55	55	55	55	55	55	55	55	55	55	55
49	63	58	47	52	54	55	55	55	55	55	55	55	55	55	55	55
50	63	58	47	52	54	55	55	55	55	55	55	55	55	55	55	55
51	63	58	47	52	54	55	55	55	55	55	55	55	55	55	55	55
52	63	58	47	52	54	55	55	55	55	55	55	55	55	55	55	55
53	63	58	47	52	54	55	55	55	55	55	55	55	55	55	55	55
54	63	58	47	52	54	55	55	55	55	55	55	55	55	55	55	55
55	63	58	47	52	54	55	55	55	55	55	55	55	55	55	55	55
56	63	58	47	52	54	55	55	55	55	55	55	55	55	55	55	55
57	63	58	47	52	54	55	55	55	55	55	55	55	55	55	55	55
58	63	58	47	52	54	55	55	55	55	55	55	55	55	55	55	55
59	63	58	47	52	54	55	55	55	55	55	55	55	55	55	55	55
60	63	58	47	52	54	55	55	55	55	55	55	55	55	55	55	55
61	63	58	47	52	54	55	55	55	55	55	55	55	55	55	55	55
62	63	58	47	52	54	55	55	55	55	55	55	55	55	55	55	55
63	63	58	47	52	54	55	55	55	55	55	55	55	55	55	55	55
64	63	58	47	52	54	55	55	55	55	55	55	55	55	55	55	55
65	63	58	47	52	54	55	55	55	55	55	55	55	55	55	55	55
66	63	58	47	52	54	55	55	55	55	55	55	55	55	55	55	55
67	63	58	47	52	54	55	55	55	55	55	55	55	55	55	55	55
68	63	58	47	52	54	55	55	55	55	55	55	55	55	55	55	55
69	63	58	47	52	54	55	55	55	55	55	55	55	55	55	55	55
70	63	58	47	52	54	55	55	55	55	55	55	55	55	55	55	55
71	63	58	47	52	54	55	55	55	55	55	55	55	55	55	55	55
72	63	58	47	52	54	55	55	55	55	55	55	55	55	55	55	55
73	63	58	47	52	54	55	55	55	55	55	55	55	55	55	55	55
74	63	58	47	52	54	55	55	55	55	55	55	55	55	55	55	55
75	63	58	47	52	54	55	55	55	55	55	55	55	55	55	55	55
76	63	58	47	52	54	55	55	55	55	55	55	55	55	55	55	55
77	63	58	47	52	54	55	55	55	55	55	55	55	55	55	55	55
78	63	58	47	52	54	55	55	55	55	55	55	55	55	55	55	55
79	63	58	47	52	54	55	55	55	55	55	55	55	55	55	55	55
80	63	58	47	52	54	55	55	55	55	55	55	55	55	55	55	55
81	63	58	47	52	54	55	55	55	55	55	55	55	55	55	55	55
82	63	58	47	52	54	55	55	55	55	55	55	55	55	55	55	55
83	63	58	47	52	54	55	55	55	55	55	55	55	55	55	55	55
84	63	58	47	52	54	55	55	55	55	55	55	55	55	55	55	55
85	63	58	47	52	54	55	55	55	55	55	55	55	55	55	55	55
86	63	58	47	52	54	55	55	55	55	55	55	55	55	55	55	55
87	63	58	47	52	54	55	55	55	55	55	55	55	55	55	55	55
88	63	58	47	52	54	55	55	55	55	55	55	55	55	55	55	55
89	63	58	47	52	54	55	55	55	55	55	55	55	55	55	55	55
90	63	58	47	52	54	55	55	55	55	55	55	55	55	55	55	55
91	63	58	47	52	54	55	55	55	55	55	55	55	55	55	55	55
92	63	58	47	52	54	55	55	55	55	55	55	55	55	55	55	55
93	63	58	47	52	54	55	55	55	55	55	55	55	55	55	55	55
94	63	58	47	52	54	55	55	55	55	55	55	55	55	55	55	55
95	63	58	47	52	54	55	55	55	55	55	55	55	55	55	55	55
96	63	58	47	52	54	55	55	55	55	55	55	55	55	55	55	55
97	63	58	47	52	54	55	55	55	55	55	55	55	55	55	55	55
98	63	58	47	52	54	55	55	55	55	55	55	55	55	55	55	55
99	63	58	47	52	54	55	55	55	55	55	55	55	55	55	55	55
100	63	58	47	52	54	55	55	55	55	55	55	55	55	55	55	55

Factors are a percent of the 1980 CSO Male-Smoker Mortality (without 10-year select) rate of mortality for the attained age—
Factors are based on the 1980 CSO Male-Smoker Mortality Table and 100% of the 65-85 SOA Intercompany Experience—

(Source: Amended at 23 Ill. Reg. _____, effective _____)

Factors are a percent of the 1980 CSO Male-Smoker Mortality (without 10-year select) rate of mortality for the attained age—
Factors are based on the 1980 CSO Male-Smoker Mortality Table and 100% of the 65-85 SOA Intercompany Experience—

DEPARTMENT OF INSURANCE
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Section 1409 ILLUSTRATION D - Female, Aggregate Base Valuation Selection Factors[®]

Issue Age	Duration																				
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19-20+		
0-15	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100		
16	99	100	100	100	100	100	100	100	100	93	95	96	97	97	100	100	100	100	100		
17	99	100	100	100	100	100	100	100	100	93	95	96	97	100	100	100	100	100	100		
18	83	83	84	84	84	86	78	82	84	86	78	82	84	85	88	90	93	95	98	100	
19	83	83	84	84	84	86	78	82	84	86	78	82	84	85	88	90	93	95	98	100	
20	65	66	68	68	68	63	63	64	66	69	71	72	74	75	78	80	85	90	100		
21	48	50	51	51	51	47	47	48	48	49	51	56	57	58	61	63	70	78	86	93	100
22	47	48	50	51	47	47	48	49	51	53	57	60	61	64	64	71	78	86	93	100	
23	47	48	45	47	47	48	40	53	54	60	61	63	64	66	73	80	86	93	100		
24	42	45	44	45	47	47	49	51	53	54	61	64	64	67	69	75	81	88	94	100	
25	39	40	42	44	47	47	50	51	54	56	64	64	66	69	70	76	82	88	94	100	
26	34	38	41	45	49	47	50	53	56	57	63	67	69	71	73	78	84	90	100		
27	34	38	41	45	49	49	51	56	58	59	66	69	70	73	76	82	88	94	100		
28	34	38	41	45	49	51	54	57	59	60	69	70	73	70	77	83	88	94	100		
29	34	37	43	47	53	54	56	59	62	63	70	75	70	72	74	79	84	90	100		
30	34	38	43	49	54	56	58	60	63	64	75	70	72	74	75	80	85	90	100		
31	35	38	43	51	56	58	60	64	67	65	71	74	75	76	81	86	90	95	100		
32	35	39	45	51	56	59	63	66	65	72	75	76	76	81	86	90	95	100			
33	36	39	44	52	58	62	64	65	66	67	74	75	76	81	86	90	95	100			
34	36	40	45	52	58	63	65	66	67	68	74	76	76	81	86	90	95	100			
35	36	40	45	53	59	61	65	67	68	70	75	74	75	76	80	85	90	95	100		
36	36	40	45	53	58	62	65	67	68	70	74	74	75	78	80	85	90	95	100		
37	36	41	47	52	57	62	65	67	68	69	72	73	75	74	78	84	90	95	100		
38	34	41	44	52	57	63	66	68	69	70	72	71	72	74	75	80	85	90	100		
39	34	40	45	53	58	63	66	68	69	70	70	73	74	79	84	90	95	100			
40	32	40	45	53	58	63	65	67	68	69	70	70	73	78	84	89	95	100			
41	32	40	45	53	57	63	64	67	68	69	69	73	74	79	84	90	95	100			
42	32	40	45	52	56	61	63	65	66	68	68	70	74	75	80	85	90	95	100		
43	31	39	45	51	55	59	61	65	65	68	69	74	77	82	86	91	95	100			
44	31	39	45	50	54	58	61	63	64	66	67	68	71	75	78	83	87	91	96	100	
45	31	38	44	49	53	56	59	62	63	65	67	68	71	77	79	83	87	92	96	100	
46	29	37	43	48	51	54	59	62	63	65	66	69	71	77	78	82	87	91	96	100	
47	28	35	41	46	49	54	61	62	63	65	66	68	71	77	78	82	86	91	95	100	
48	28	35	41	44	49	52	57	61	63	66	68	71	72	75	77	82	86	91	95	100	
49	26	34	39	43	47	52	55	61	63	67	69	72	75	78	80	85	90	95	100		
50	25	32	38	41	46	50	55	61	63	67	69	72	75	74	79	84	90	95	100		
51	25	32	38	41	45	50	55	61	63	66	68	71	74	73	79	84	90	95	100		
52	23	30	36	41	45	51	56	61	62	65	68	73	78	84	89	100					
53	25	32	36	41	45	51	56	61	62	65	68	73	78	84	89	100					

DEPARTMENT OF INSURANCE
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Issue Age	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
Duration																				
53	23	30	36	41	47	51	56	61	62	63	65	66	68	72	72	78	83	100	100	100
54	22	29	35	41	47	53	57	61	61	62	62	66	66	69	70	76	100	100	100	100
55	22	29	35	41	47	53	57	61	61	62	62	66	66	69	70	76	100	100	100	100
56	22	29	35	41	47	53	57	61	61	62	63	64	68	69	70	76	100	100	100	100
57	22	29	35	41	45	50	54	56	58	59	61	62	63	64	67	100	100	100	100	100
58	22	30	36	41	44	49	53	56	57	57	61	62	100	100	100	100	100	100	100	100
59	22	30	36	41	44	48	51	53	55	56	59	100	100	100	100	100	100	100	100	100
60	22	30	36	41	43	47	50	51	53	55	100	100	100	100	100	100	100	100	100	100
61	22	29	35	39	42	46	49	50	52	80	100	100	100	100	100	100	100	100	100	100
62	20	28	33	39	41	45	47	49	80	100	100	100	100	100	100	100	100	100	100	100
63	20	28	33	38	41	44	46	80	80	100	100	100	100	100	100	100	100	100	100	100
64	19	27	32	36	40	42	80	80	80	100	100	100	100	100	100	100	100	100	100	100
65	19	25	30	35	39	72	75	75	80	100	100	100	100	100	100	100	100	100	100	100
66	19	25	30	35	72	75	75	75	80	100	100	100	100	100	100	100	100	100	100	100
67	19	25	30	72	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100	100
68	19	25	68	72	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100	100
69	19	64	68	72	72	75	75	80	100	100	100	100	100	100	100	100	100	100	100	100
70	60	60	64	68	68	72	75	75	80	100	100	100	100	100	100	100	100	100	100	100
71	60	60	64	68	68	72	75	75	80	100	100	100	100	100	100	100	100	100	100	100
72	60	60	64	68	68	72	75	75	80	100	100	100	100	100	100	100	100	100	100	100
73	60	60	64	68	68	72	75	75	80	100	100	100	100	100	100	100	100	100	100	100
74	60	60	64	68	68	72	75	75	80	100	100	100	100	100	100	100	100	100	100	100
75	60	60	64	68	68	72	75	75	80	100	100	100	100	100	100	100	100	100	100	100
76	60	60	64	68	68	72	75	75	80	100	100	100	100	100	100	100	100	100	100	100
77	60	60	64	68	68	72	75	75	100	100	100	100	100	100	100	100	100	100	100	100
78	60	60	64	68	68	72	75	75	100	100	100	100	100	100	100	100	100	100	100	100
79	60	60	64	68	68	72	100	100	100	100	100	100	100	100	100	100	100	100	100	100
80	60	60	64	68	68	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
81	60	60	64	68	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
82	60	60	64	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
83	60	60	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
84	60	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
85	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

[illegible]

* Factors are a percent of the 1980 CSO Female Mortality (without to year select) rate of mortality for the attained age. Factors are based on the 1980 CSO Female Mortality Table and 100% of the 65-86 SOA Intercompany Experience.

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

GRADE	DURATION															
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	100
15	24	30	35	39	42	45	48	51	52	54	55	57	59	61	65	100
16	24	30	35	39	42	45	48	51	52	54	55	57	59	61	65	100
17	23	29	34	38	41	44	46	51	52	54	55	58	59	61	64	100
18	23	29	34	38	41	44	46	51	52	54	55	58	59	61	64	100
19	21	27	32	36	40	43	47	51	52	54	55	57	59	60	63	100
20	21	27	32	36	40	43	47	51	52	54	55	57	59	60	63	100
21	20	26	31	34	38	42	46	51	52	54	55	58	59	60	63	100
22	19	25	30	34	38	42	47	51	52	54	55	58	59	60	63	100
23	19	25	30	34	38	42	47	51	52	54	55	58	59	60	63	100
24	18	24	29	34	39	44	48	51	51	51	52	55	56	57	60	100
25	18	24	29	34	39	43	47	49	50	50	51	52	55	56	57	60
26	18	24	29	34	39	43	47	49	50	51	52	55	56	57	60	100
27	18	24	29	34	39	43	47	49	50	51	52	55	56	57	60	100
28	18	24	29	34	39	43	47	49	50	51	52	55	56	57	60	100
29	18	24	29	34	39	43	47	49	50	51	52	55	56	57	60	100
30	18	24	29	34	39	43	47	49	50	51	52	55	56	57	60	100
31	17	23	27	31	34	39	43	46	48	49	51	52	54	55	58	100
32	17	23	27	31	34	39	43	46	48	49	51	52	54	55	58	100
33	17	23	27	31	34	39	43	46	48	49	51	52	54	55	58	100
34	16	22	26	30	33	35	37	39	40	41	42	45	46	48	49	100
35	16	22	26	30	33	35	37	39	40	41	42	45	46	48	49	100
36	16	22	26	30	33	35	37	39	40	41	42	45	46	48	49	100
37	16	21	25	29	32	34	36	38	40	41	42	45	46	48	49	100
38	16	21	25	29	32	34	36	38	40	41	42	45	46	48	49	100
39	16	21	25	29	32	34	36	38	40	41	42	45	46	48	49	100
40	16	21	25	29	32	34	36	38	40	41	42	45	46	48	49	100
41	22	29	34	38	41	44	46	49	50	51	52	54	56	57	60	100
42	27	32	38	43	46	48	51	52	54	55	58	59	61	64	67	100
43	27	32	38	43	46	48	51	52	54	55	58	59	61	64	67	100
44	27	32	38	43	46	48	51	52	54	55	58	59	61	64	67	100
45	27	32	38	43	46	48	51	52	54	55	58	59	61	64	67	100
46	27	32	38	43	46	48	51	52	54	55	58	59	61	64	67	100
47	27	32	38	43	46	48	51	52	54	55	58	59	61	64	67	100
48	27	32	38	43	46	48	51	52	54	55	58	59	61	64	67	100
49	27	32	38	43	46	48	51	52	54	55	58	59	61	64	67	100
50	27	32	38	43	46	48	51	52	54	55	58	59	61	64	67	100
51	27	32	38	43	46	48	51	52	54	55	58	59	61	64	67	100
52	27	32	38	43	46	48	51	52	54	55	58	59	61	64	67	100
53	27	32	38	43	46	48	51	52	54	55	58	59	61	64	67	100
54	27	32	38	43	46	48	51	52	54	55	58	59	61	64	67	100
55	27	32	38	43	46	48	51	52	54	55	58	59	61	64	67	100
56	27	32	38	43	46	48	51	52	54	55	58	59	61	64	67	100
57	27	32	38	43	46	48	51	52	54	55	58	59	61	64	67	100
58	27	32	38	43	46	48	51	52	54	55	58	59	61	64	67	100
59	27	32	38	43	46	48	51	52	54	55	58	59	61	64	67	100
60	27	32	38	43	46	48	51	52	54	55	58	59	61	64	67	100
61	27	32	38	43	46	48	51	52	54	55	58	59	61	64	67	100
62	27	32	38	43	46	48	51	52	54	55	58	59	61	64	67	100
63	27	32	38	43	46	48	51	52	54	55	58	59	61	64	67	100
64	27	32	38	43	46	48	51	52	54	55	58	59	61	64	67	100
65	27	32	38	43	46	48	51	52	54	55	58	59	61	64	67	100
66	27	32	38	43	46	48	51	52	54	55	58	59	61	64	67	100
67	27	32	38	43	46	48	51	52	54	55	58	59	61	64	67	100
68	27	32	38	43	46	48	51	52	54	55	58	59	61	64	67	100
69	27	32	38	43	46	48	51	52	54	55	58	59	61	64	67	100
70	27	32	38	43	46	48	51	52	54	55	58	59	61	64	67	100
71	22	29	34	38	41	44	46	49	50	51	52	54	56	57	60	100
72	27	32	38	43	46	48	51	52	54	55	58	59	61	64	67	100
73	27	32	38	43	46	48	51	52	54	55	58	59	61	64	67	100
74	27	32	38	43	46	48	51	52	54	55	58	59	61	64	67	100
75	27	32	38	43	46	48	51	52	54	55	58	59	61	64	67	100
76	27	32	38	43	46	48	51	52	54	55	58	59	61	64	67	100
77	27	32	38	43	46	48	51	52	54	55	58	59	61	64	67	100
78	27	32	38	43	46	48	51	52	54	55	58	59	61	64	67	100
79	27	32	38	43	46	48	51	52	54	55	58	59	61	64	67	100
80	27	32	38	43	46	48	51	52	54	55	58	59	61	64	67	100
81	27	32	38	43	46	48	51	52	54	55	58	59	61	64	67	100
82	27	32	38	43	46	48	51	52	54	55	58	59	61	64	67	100
83	27	32	38	43	46	48	51	52	54	55	58	59	61	64	67	100
84	27	32	38	43	46	48	51	52	54	55	58	59	61	64	67	100
85	27	32	38	43	46	48	51	52	54	55	58	59	61	64	67	100
86	27	32	38	43	46	48	51	52	54	55	58	59	61	64	67	100
87	27	32	38	43	46	48	51	52	54	55	58	59	61	64	67	100
88	27	32	38	43	46	48	51	52	54	55	58	59	61	64	67	100
89	27	32	38	43	46	48	51	52	54	55	58	59	61	64	67	100
90	27	32	38	43	46	48	51	52	54	55	58	59	61	64	67	100
91	27	32	38	43	46	48	51	52	54	55	58	59	61	64	67	100
92	27	32	38	43	46	48	51	52	54	55	58	59	61	64	67	100
93	27	32	38	43	46	48	51	52	54	55	58	59	61	64	67	100
94	27	32	38	43	46	48	51	52	54	55	58	59	61	64	67	100
95	27	32	38	43	46	48	51	52	54	55	58	59	61	64	67	100
96	27	32	38	43	46	48	51	52	54	55	58	59	61	64	67	100
97	27	32	38	43	46	48	51	52	54	55	58	59	61	64	67	100
98	27	32	38	43	46	48	51	52	54	55	58	59	61	64	67	100
99	27	32	38	43	46	48	51	52	54	55	58	59	61	64	67	100
100	27	32	38	43	46	48	51	52	54	55	58	59	61	64	67	100

* Factors are a percent of the 1990 CSO Female Mortality without 10 year select rate of mortality for the attained age. Factors are based on the 1990 CSO Female Mortality Table and 100% of the 65-80 SGA Intercompany experience.

DEPARTMENT OF INSURANCE
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*Factors are a percent of the 1989-95 Female Mortality (without 10 year select rate of mortality for the attained age). Factors are based on the 1980-95 Female Mortality Table and 100% of the 65-69 SSA intercompany experience.

(Source: Amended at 23 Ill. Reg. , effective

DEPARTMENT OF INSURANCE
NOTICE OF PROPOSED AMENDMENTS

Section 1409 ILLUSTRATION E Female, Non-Smoker Base Valuation Selection Factors*

Issue Date	Duration																			
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20
15-16	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
16-17	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
17-18	96	98	98	98	99	99	99	99	99	99	99	99	99	99	99	99	99	100	100	100
18-19	78	80	80	80	81	81	74	75	75	78	79	83	85	88	91	94	97	100		
19-20	60	62	63	63	63	65	59	59	60	60	64	67	67	70	72	78	83	89	94	100
20-21	40	42	45	45	45	42	42	45	45	50	51	53	56	58	66	75	83	92	100	
21-22	41	42	44	45	41	42	44	47	47	47	51	53	54	57	59	67	75	84	92	100
22-23	38	41	44	41	41	42	44	45	49	54	56	57	58	60	68	76	84	92	100	
23-24	39	41	44	40	41	42	44	46	49	54	56	57	58	60	62	70	77	85	92	100
24-25	34	36	36	38	40	41	42	46	47	50	51	58	59	60	62	63	70	78	85	93
25-26	32	34	37	40	41	43	46	49	51	53	59	60	62	63	64	71	78	86	93	100
26-27	32	34	37	41	43	45	47	50	53	53	60	62	63	64	62	70	77	85	92	100
27-28	32	34	38	43	46	47	49	51	53	55	62	63	64	62	70	77	85	92	100	
28-29	30	34	39	43	47	49	51	53	56	58	63	65	61	62	63	70	78	85	93	100
29-30	30	35	40	45	50	51	52	55	58	59	64	61	62	63	63	70	78	85	93	100
30-31	31	35	40	46	51	52	53	56	59	60	62	63	65	65	72	79	86	93	100	
31-32	31	35	40	46	51	53	55	58	60	58	62	62	63	65	72	79	86	93	100	
32-33	32	35	40	45	51	53	56	59	57	58	62	63	63	65	64	71	78	86	93	100
33-34	32	36	41	47	52	55	58	59	58	59	63	65	65	65	72	79	86	93	100	
34-35	33	36	41	47	52	55	57	58	61	63	65	64	65	64	71	78	86	93	100	
35-36	33	36	41	47	52	55	57	58	61	63	64	64	64	64	71	78	86	93	100	
36-37	33	36	41	47	49	53	57	58	59	61	63	64	63	64	63	70	78	85	93	100
37-38	32	36	41	44	49	53	57	58	59	60	62	62	62	63	70	78	85	93	100	
38-39	32	37	39	45	50	54	57	58	60	60	61	61	61	62	61	69	77	84	92	100
39-40	30	35	39	45	50	54	57	58	60	59	60	59	60	61	69	77	84	92	100	
40-41	28	35	39	45	50	54	56	57	59	60	59	59	59	60	68	76	84	92	100	
41-42	28	35	39	45	50	54	56	57	59	60	59	59	59	60	68	76	84	92	100	
42-43	27	35	39	44	49	52	55	58	57	58	59	58	59	60	68	76	84	92	100	
43-44	27	35	39	44	49	52	54	55	57	57	57	58	60	61	69	77	84	92	100	
44-45	26	34	38	42	47	50	53	53	55	55	56	57	56	61	69	77	84	92	100	
45-46	26	33	38	42	45	48	51	51	52	53	54	55	56	61	70	77	85	92	100	
46-47	24	32	37	40	43	47	49	51	52	53	54	55	56	61	69	77	84	92	100	
47-48	24	30	35	39	42	45	47	49	51	53	54	55	56	60	68	76	84	92	100	
48-49	23	30	35	37	40	43	47	49	50	53	54	55	57	66	74	83	91	100		
49-50	23	29	35	36	42	45	48	50	53	54	55	55	57	56	65	74	82	91	100	
50-51	21	27	32	34	37	41	44	48	50	53	54	55	55	64	73	82	91	100		
51-52	21	26	30	33	37	41	44	48	49	53	53	54	55	64	73	82	91	100		
52-53	20	25	30	33	37	41	44	47	48	50	50	51	51	55	62	72	81	100	100	

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Issue Age	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20+
53	19	24	29	32	37	41	43	47	48	48	49	49	51	52	52	62	71	100	100	100
54	18	24	29	32	37	41	43	45	47	47	49	49	51	51	51	61	100	100	100	100
55	18	24	29	32	37	41	43	45	47	47	49	49	51	51	51	61	100	100	100	100
56	18	23	28	32	36	41	43	45	46	46	47	50	50	100	100	100	100	100	100	100
57	18	23	28	32	36	41	44	45	46	46	49	100	100	100	100	100	100	100	100	100
58	17	23	28	31	35	38	41	42	44	44	45	46	100	100	100	100	100	100	100	100
59	17	23	26	31	35	36	38	41	42	45	45	100	100	100	100	100	100	100	100	100
60	17	23	26	30	33	35	38	39	40	41	44	100	100	100	100	100	100	100	100	100
61	17	23	26	30	32	34	36	38	39	40	100	100	100	100	100	100	100	100	100	100
62	17	22	25	29	32	33	35	36	38	80	100	100	100	100	100	100	100	100	100	100
63	16	20	24	28	30	32	34	35	80	100	100	100	100	100	100	100	100	100	100	100
64	14	21	24	27	29	30	32	34	80	80	100	100	100	100	100	100	100	100	100	100
65	15	19	23	25	28	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100
66	15	19	23	25	72	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100
67	15	19	22	72	72	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100
68	13	18	68	72	72	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100
69	13	64	68	72	72	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100
70	60	60	64	68	68	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100
71	60	60	64	68	68	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100
72	60	60	64	68	68	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100
73	60	60	64	68	68	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100
74	60	60	64	68	68	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100
75	60	60	64	68	68	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100
76	60	60	64	68	68	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100
77	60	60	64	68	68	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100
78	60	60	64	68	68	72	75	75	80	80	100	100	100	100	100	100	100	100	100	100
79	60	60	64	68	68	72	100	100	100	100	100	100	100	100	100	100	100	100	100	100
80	60	60	64	68	68	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
81	60	60	64	68	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
82	60	60	64	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
83	60	60	64	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
84	60	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
85+	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100

*Factors are a percent of the 1980 CSO Female Non smoker Mortality without 10 year select rate of mortality for the attained age. Factors are used on the 1980 CSO Female Non smoker Mortality Table and 100% of the 83-85 SCA Intercompany experience.

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Issue Age	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16+
0	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
1	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
2	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
3	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
4	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
5	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
6	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
7	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
8	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
9	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
10	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
11	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
12	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
13	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
14	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
15	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
16	60	60	60	60	60	60	60	60	60	60	60	60	60	60	60	60
17	60	60	60	60	60	60	60	60	60	60	60	60	60	60	60	60
18	60	60	60	60	60	60	60	60	60	60	60	60	60	60	60	60
19	60	60	60	60	60	60	60	60	60	60	60	60	60	60	60	60
20	26	29	30	30	30	31	31	31	33	33	36	37	38	40	42	100
21	27	29	29	29	30	31	31	32	34	34	36	39	40	41	42	100
22	27	29	29	29	30	31	31	32	34	34	36	39	40	41	42	100
23	27	29	29	29	30	31	31	32	34	34	36	39	40	41	42	100
24	26	28	28	29	30	31	31	32	34	34	36	39	40	41	42	100
25	26	28	28	29	30	31	31	32	34	34	36	39	40	41	42	100
26	25	27	27	28	29	30	30	31	32	34	34	36	39	40	41	100
27	25	27	27	28	29	30	30	31	32	34	34	36	39	40	41	100
28	22	25	25	26	27	28	28	29	30	31	32	34	36	39	40	100
29	22	25	25	26	27	28	28	29	30	31	32	34	36	39	40	100
30	22	25	25	26	27	28	28	29	30	31	32	34	36	39	40	100
31	22	25	25	26	27	28	28	29	30	31	32	34	36	39	40	100
32	23	26	26	27	28	29	29	30	31	32	34	36	39	40	41	100
33	23	26	26	27	28	29	29	30	31	32	34	36	39	40	41	100
34	23	26	26	27	28	29	29	30	31	32	34	36	39	40	41	100
35	24	26	26	27	28	29	29	30	31	32	34	36	39	40	41	100
36	24	26	26	27	28	29	29	30	31	32	34	36	39	40	41	100
37	24	26	26	27	28	29	29	30	31	32	34	36	39	40	41	100
38	24	26	26	27	28	29	29	30	31	32	34	36	39	40	41	100
39	22	27	30	35	39	42	44	45	47	47	48	48	48	48	49	100
40	22	27	30	35	39	42	44	45	47	47	48	48	48	48	49	100
41	22	27	30	35	39	42	44	45	47	47	48	48	48	48	49	100
42	21	27	30	34	38	41	43	44	46	47	47	48	48	48	49	100
43	21	27	30	34	38	41	43	44	46	47	47	48	48	48	49	100
44	20	26	30	34	37	40	42	43	45	46	46	47	47	48	49	100

*Factors are a percent of the 1980 CSO Female Non smoker Mortality without 10 year select rate of mortality for the attained age. Factors are used on the 1980 CSO Female Non smoker Mortality Table and 100% of the 83-85 SCA Intercompany experience.

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1) Heading of the Part: Illinois Health and Hazardous Substances Registry

2) Code Citation: 77 Ill. Adm. Code 840

3) Section Numbers:
840.30
840.110
840.115
840.210
840.215
Appendix A
Appendix B
Exhibit A
Exhibit B

Proposed Action:
Amendment
Amendment
Amendment
Amendment
Amendment
Repealed
Repealed
Repealed
Repealed

4) Statutory Authority: Implementing and authorized by the Illinois Health and Hazardous Substances Registry Act [410 ILCS 525], Section 55.3(b) of the Civil Administrative Code of Illinois [20 ILCS 2310/55.3(b)]. The Developmental Disabilities Prevention Act [410 ILCS 250], and the Lead Poisoning Prevention Act [410 ILCS 45].

5) A Complete Description of the Subjects and Issues Involved: Information to be reported to the Illinois State Cancer Registry is being revised to include the names of the attending physician, diagnosing and treating physician, and any physician(s) who included follow-up care. Facilities that report to the Registry will be required to report on patients who are receiving treatment at their facility, but who were diagnosed and received first course cancer treatment at a different facility. The rulemaking also revises diagnosis codes in accordance with the International Classification of Diseases for Oncology (ICD-O), and includes alternative reporting procedures for facilities that report electronically. Information to be reported to the Adverse Pregnancy Outcomes Reporting System (APORS) being revised to include several specific communicable infections. The APORS reporting forms located in Section 840. Appendix B are being repealed because most reporting is done electronically. However, the elements that must be reported are added to the Section on APORS reporting.

6) Will this rulemaking replace any emergency rulemaking currently in effect?
No

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking will not create a State mandate on units of local government.

DURATION

AGE	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
45	20	60	90	90	90	90	41	42	43	44	45	46	47	51	52
46	19	59	89	89	89	89	40	41	42	43	44	45	46	50	51
47	18	58	88	88	88	88	39	40	41	42	43	44	45	49	50
48	17	57	87	87	87	87	38	39	40	41	42	43	44	48	49
49	16	56	86	86	86	86	37	38	39	40	41	42	43	47	48
50	15	55	85	85	85	85	36	37	38	39	40	41	42	46	47
51	14	54	84	84	84	84	35	36	37	38	39	40	41	45	46
52	13	53	83	83	83	83	34	35	36	37	38	39	40	44	45
53	12	52	82	82	82	82	33	34	35	36	37	38	39	43	44
54	11	51	81	81	81	81	32	33	34	35	36	37	38	42	43
55	10	50	80	80	80	80	31	32	33	34	35	36	37	41	42
56	9	49	79	79	79	79	30	31	32	33	34	35	36	40	41
57	8	48	78	78	78	78	29	30	31	32	33	34	35	39	40
58	7	47	77	77	77	77	28	29	30	31	32	33	34	38	39
59	6	46	76	76	76	76	27	28	29	30	31	32	33	37	38
60	5	45	75	75	75	75	26	27	28	29	30	31	32	36	37
61	4	44	74	74	74	74	25	26	27	28	29	30	31	35	36
62	3	43	73	73	73	73	24	25	26	27	28	29	30	34	35
63	2	42	72	72	72	72	23	24	25	26	27	28	29	33	34
64	1	41	71	71	71	71	22	23	24	25	26	27	28	32	33
65	0	40	70	70	70	70	21	22	23	24	25	26	27	31	32
66	0	39	69	69	69	69	20	21	22	23	24	25	26	30	31
67	0	38	68	68	68	68	19	20	21	22	23	24	25	29	30
68	0	37	67	67	67	67	18	19	20	21	22	23	24	28	29
69	0	36	66	66	66	66	17	18	19	20	21	22	23	27	28
70	0	35	65	65	65	65	16	17	18	19	20	21	22	26	27
71	0	34	64	64	64	64	15	16	17	18	19	20	21	25	26
72	0	33	63	63	63	63	14	15	16	17	18	19	20	24	25
73	0	32	62	62	62	62	13	14	15	16	17	18	19	23	24
74	0	31	61	61	61	61	12	13	14	15	16	17	18	22	23
75	0	30	60	60	60	60	11	12	13	14	15	16	17	21	22
76	0	29	59	59	59	59	10	11	12	13	14	15	16	20	21
77	0	28	58	58	58	58	9	10	11	12	13	14	15	19	20
78	0	27	57	57	57	57	8	9	10	11	12	13	14	18	19
79	0	26	56	56	56	56	7	8	9	10	11	12	13	17	18
80	0	25	55	55	55	55	6	7	8	9	10	11	12	16	17
81	0	24	54	54	54	54	5	6	7	8	9	10	11	15	16
82	0	23	53	53	53	53	4	5	6	7	8	9	10	14	15
83	0	22	52	52	52	52	3	4	5	6	7	8	9	13	14
84	0	21	51	51	51	51	2	3	4	5	6	7	8	12	13
85	0	20	50	50	50	50	1	2	3	4	5	6	7	11	12
86	0	19	49	49	49	49	0	1	2	3	4	5	6	10	11
87	0	18	48	48	48	48	0	0	1	2	3	4	5	9	10
88	0	17	47	47	47	47	0	0	0	1	2	3	4	8	9
89	0	16	46	46	46	46	0	0	0	0	1	2	3	7	8
90	0	15	45	45	45	45	0	0	0	0	0	1	2	6	7
91	0	14	44	44	44	44	0	0	0	0	0	0	1	5	6
92	0	13	43	43	43	43	0	0	0	0	0	0	0	4	5
93	0	12	42	42	42	42	0	0	0	0	0	0	0	3	4
94	0	11	41	41	41	41	0	0	0	0	0	0	0	2	3
95	0	10	40	40	40	40	0	0	0	0	0	0	0	1	2
96	0	9	39	39	39	39	0	0	0	0	0	0	0	0	1
97	0	8	38	38	38	38	0	0	0	0	0	0	0	0	0
98	0	7	37	37	37	37	0	0	0	0	0	0	0	0	0
99	0	6	36	36	36	36	0	0	0	0	0	0	0	0	0
100	0	5	35	35	35	35	0	0	0	0	0	0	0	0	0

*Factors are a percent of the 1990 CSO Female Mortality. Mortality without 10-year select rate of mortality for the attained age. Factors are based on the 1990 CSO Female Mortality. Mortality factor and 100% of the 1990 CSO Female Mortality.

(Continued on page 9576)

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- 11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Interested persons may present their comments concerning these rules by writing within 45 days after this issue of the *Illinois Register* to:

Gail M. Devito
Division of Legal Services
Illinois Department of Public Health
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
217/782-2043
(e-mail: rules@idph.state.il.us)

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: Hospitals, clinical laboratories, ambulatory surgical treatment centers, and other facilities that are required to report to the Department under this Part and that meet the definition of small business in the Illinois Administrative Procedure Act.

- B) Reporting, bookkeeping or other procedures required for compliance: The proposed amendments add additional information to currently required reporting.

- C) Types of professional skills necessary for compliance: None

- 13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: The need for this rulemaking was not apparent at the time.

The full text of the Proposed Amendments begins on the next page:

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NOTICE OF PROPOSED AMENDMENTS

- TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER P: HAZARDOUS AND POISONOUS SUBSTANCES

PART 840

ILLINOIS HEALTH AND HAZARDOUS SUBSTANCES REGISTRY

SUBPART A: GENERAL REGISTRY PROVISIONS

Section	Purpose
840.5	Definitions
840.10	Incorporated Materials
840.20	Availability of Registry Information
840.30	Administrative Hearings
840.40	Quality Control
840.50	Quality Control
840.60	Fee Assessment

SUBPART B: ILLINOIS STATE CANCER REGISTRY

840.100	Entities Required to Submit Information
840.110	Information Required to be Reported
840.115	Methods of Reporting Cancer Registry Information
840.120	Quality Control (Repealed)

SUBPART C: ADVERSE PREGNANCY OUTCOMES REPORTING SYSTEM

840.200	Entities Required to Submit Information
840.210	Adverse Pregnancy Outcomes Information Required to be Reported
840.215	Methods of Reporting APORS Information

SUBPART D: OCCUPATIONAL DISEASE REGISTRY

Section	Entities Required to Submit Information
840.300	Information Required to be Reported
840.305	Information Required to be Reported
840.310	Methods of Reporting Occupational Disease

APPENDIX A

ISCR Incidence Report Form (Repealed)

APPENDIX B Instructions for APORS Reporting (Repealed)

APPENDIX C Instructions for Completing the Infant Discharge Record (Repealed)

ILLUSTRATION A Infant Discharge Record (Repealed)

EXHIBIT B Instructions for Completing Maternal Supplement (Repealed)

ILLUSTRATION B Maternal Supplement Abstract (Repealed)

APPENDIX C Forms and Instructions for Occupational Disease Registry

EXHIBIT A Instructions for Completing The Laboratory Based Report of Adult Blood Lead Analysis

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- EXHIBIT B** Instructions for completing the Health Department Follow-Up Report of Adult Blood Lead Level Analysis For Results of 25mcg/dl and Above (Local Health Authorities will use this form)
- ILLUSTRATION A** Health Department Laboratory Report of Adult Elevated Blood Lead Analysis 25 mcg/dl and Above
- ILLUSTRATION B** Health Department Follow-up Report of Adult Blood Lead Levels Analysis For Results of mcg/dl and Above
- ILLUSTRATION C** Occupational Disease Registry Abstract Information from the Illinois Health Care Cost Containment Council

AUTHORITY: Implemented and authorized by the Illinois Health and Hazardous Substances Registry Act [410 ILCS 525], Section 55.3(b) of the Civil Administrative Code of Illinois [20 ILCS 2310/55.3(b)], the Developmental Disabilities Prevention Act [410 ILCS 250], and the Lead Poisoning Prevention Act [410 ILCS 45].

SOURCE: Adopted at 10 Ill. Reg. 7842, effective May 19, 1986; amended at 12 Ill. Reg. 13173, effective August 1, 1988; amended at 14 Ill. Reg. 5495, effective April 1, 1990; amended at 17 Ill. Reg. 2315, effective February 10, 1993; amended at 23 Ill. Reg. _____, effective _____.

SUBPART A: GENERAL REGISTRY PROVISIONS

Section 840.30 Availability of Registry Information

- a) All reports issued by the Department which are aggregated to make it impossible to identify any patient or reporting facility, including the annual report, shall be made available to the public pursuant to the Department's Freedom of Information rules (2 Ill. Adm. Code 1126) and the Freedom of Information Act.
- b) All requests by medical or epidemiologic researchers for confidential Registry data must be submitted in writing to the Registry. The request must include a study protocol which contains: objectives of the research; rationale for the research including scientific literature justifying current proposal; overall study methods, including copies of forms, questionnaires, and consent forms used to contact facilities, physicians or study subjects; including methods for documenting compliance with 42 CFR 2a.4(a)-(i), 2a.6(a)-(b), 2a.7(a)-(d)(1) 2a-para;--4-a-7--6-a-b;--7-a-b; methods for the processing of data; storage and security measures taken to insure confidentiality of patient identifying information; time frame of the study; a description of the funding source of the study (e.g., federal contract); the curriculum vitae of the principal investigator and a list of collaborators. In addition, the research request must specify what patient or facility identifying information is needed and how the information will be used.
- c) All requests to conduct research and modifications to approved research proposals involving the use of data which includes patient or

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facility identifying information shall be subject to a review to determine compliance with the following conditions:

- 1) The request for patient or facility identifying information contains stated goals or objectives.
 - 2) The request documents the feasibility of the study design in achieving the stated goals and objectives.
 - 3) The request documents the need for the requested data to achieve the stated goals and objectives.
 - 4) The requested data can be provided within the timeframe set forth in the request.
 - 5) The request documents that the researcher has qualifications relevant to the type of research being conducted.
 - 6) The research will not duplicate other research already underway using the same registry data when both require the contact of a patient, reporting facility or physician about an individual patient involved in the previously approved concurrent research.
 - 7) Other such conditions relevant to the need for the patient or facility identifying information and the patient's confidentiality rights because the Department will only release the patient or facility identifying information which is necessary for the research.
- d) Research agreements.
- 1) The Department will enter into research contracts for all approved research requests. These contracts shall specify exactly what information is being released and how it can be used in accordance with the standards in subsection (c) above. In addition, the researcher shall include an assurance that:
 - A) use of data is restricted to the specifications of the protocol;
 - B) any and all data which may lead to the identity of any patient, research subject, physician, other person, or hospital is strictly privileged and confidential and agrees to keep all such data strictly confidential at all times;
 - C) all officers, agents and employees will keep all such data strictly confidential, will communicate the requirements of this Section to all officers, agents, and employees, will discipline all persons who may violate the requirements of this Section, and will notify the Department in writing within ~~forty-eight~~ 48 hours of any violation of this Section, including full details of the violation and corrective actions to be taken;
 - D) all data provided by the Department pursuant to this contract may only be used for the purposes named in this contract and that any other or additional use of the data may result in immediate termination of this contract by the Department;
 - E) all data provided by the Department pursuant to this contract is the sole property of the Department and may not

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be copied or reproduced in any form or manner and agrees to return all data and all copies and reproduction of the data to the Department upon termination of this contract.

- 2) Any departures from the approved protocol must be submitted in writing and approved by the Director in accordance with subsection (c)(2) above prior to initiation. No patient or facility identifying information may be released by a researcher to a third party.

e) The Department shall disclose individual patient or facility information to the reporting facility, which originally supplied that information to the Department, upon written request of the facility.

f) The Department, by signed and reciprocating agreement, may disclose individual patient information concerning residents of another state to the registry in the individual's state of residence only if the recipient of such information is legally required to hold such information in confidence and provides protection from disclosure of patient identifying information equivalent to the protection afforded by the Illinois law.

g) The patient identifying information submitted to the Department by those entities required to submit information under the Act and this Part is to be used in the course of medical study under the Part 21 of Article 8 of the Code of Civil Procedure. Therefore, this information is privileged from disclosure by the Part 21 of Article 8 of the Code of Civil Procedure.

h) The identity of any facility or, any group of facts which tends to lead to the identity, of any person whose condition or treatment is submitted to the Illinois Health and Hazardous Substances Registry is confidential and shall not be open to public inspection or dissemination. Such information shall not be available for disclosure, inspection or copying under the Freedom of Information Act or the State Records Act. All information for specific research purposes may be released in accordance with procedures established by the Department in this Section. (Section 4(d) of the Act-)
i) Hospitals, laboratories, other facilities or physicians shall not be held liable for the release of information or confidential data in accordance with the this Act. The Department shall protect any information made confidential or privileged under law. (Section 4(e) of the Act-)

j) Every hospital shall provide representatives of the Department with access to information from all medical, pathological, and other pertinent records and logs related to reportable registry information. The mode of access and the time during which this access will be provided shall be by mutual agreement between the hospital and the Department. ~~The Department shall not require hospitals to provide information on cases which are more than two years before the Department's request for further information.~~

k) Every hospital shall provide access to information regarding specified patients or other patients specified for research studies, related to

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reportable registry information, conducted by the Department. Any disputes as to access shall be resolved by the hospital and the Department within 30 days after requests for access have been denied.

- 1) The Department shall disclose individual patient or facility APORS information obtained from each Regional Perinatal Network facility to the Regional Perinatal Network's Perinatal Center, upon written request of that particular Perinatal Center's Clinical Director. The patient and facility identifying information submitted to the Perinatal Center by the Department as required under this Part is to be used in the course of medical study under Part 21 of Article 8 of the Code of Civil Procedure and is therefore, privileged from disclosure. The Perinatal Center's request for APORS data should clearly indicate the purpose for which the data will be used. The Department shall release data only for internal quality control or medical study for the purpose of reducing morbidity or mortality, or for improving patient care. The Department shall provide a copy of the original request and the data which are released to the hospital which originally reported these data.

m) The Department shall disclose summary and statistical reports containing information which identifies individual patients or individual hospitals to the hospital which reported the patient, to the Perinatal Center with which it is affiliated, and to the local health agency designated by the Department to provide follow-up services to patients. Such reports may contain information provided by the referring hospital and information provided by the follow-up agency. Patient and reporting facility specific data provided to the appropriate designee under this Section is confidential and shall not be otherwise disclosed.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

SUBPART B: ILLINOIS STATE CANCER REGISTRY

Section 840.110 Information Required to be Reported

a) A facility required to submit information shall report each cancer incidence and other tumorous and precancerous disease, as specified in this Section ~~section~~, to the Department.

b) This information to be reported shall be provided upon forms supplied by the Department. The facility tumor registrar or other person designated by the facility shall abstract information from the cancer patient's record onto the standard forms supplied by the Department. The information to be reported is divided into six subject areas, each containing a particular set of information. The six subject areas of the reporting report shall include the following:

- 1) Reporting Information - This area provides information concerning the type of report being submitted; whether a new report, a

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change to be made on an existing report, or a deletion of a previously submitted report. It also includes the abstract identifier, identification code and the date the abstract is completed along with the abstract number.

- 2) Patient Data and Resident Address - This area contains the patient's full name (including maiden name, when applicable and available), the patient's Social Security number, and the patient's residential address.
- 3) Personal Data - This area contains other personal data: patient's birthdate, age, sex, race, Hispanic origin, birthplace, usage history of tobacco and alcohol, current or most recent occupation and industry, and longest lifetime occupation and industry.
- 4) Diagnosis Data - Information concerning the patient's diagnosis of cancer(s) is collected in this area. This information consists of: initial diagnosis date, method of diagnosis, primary site, laterality, morphology, stage of disease, existence of other reportable primary diseases, first course cancer directed therapy, and specification of previous cancer sites and dates of diagnoses.
- 5) Facility Data - This area provides information on the reporting facility: the facility identification number provided by the Department of Public Health if available outpatient status, the case identification type, discharge date and status, and class of case; name of attending physician.
- 6) Follow-Up Data - Information concerning the patient's alive or deceased status. This information consists of: date of last follow-up or death, follow-up status, type of follow-up, names of follow-up physicians, cause of death, and whether patient information is incomplete, and names of diagnosing and treating physicians.
- c) For facilities without existing tumor registries copies of the pathology report(s) and hematology report(s) shall be provided in cases confirmed by laboratory analysis.
- d) Each patient's cancer incidence report form shall be sent within six months of the date of diagnosis or within four months of the date of discharge from the reporting facility, whichever is sooner. Reporting facilities shall report by letter to the Department by each July 1, the status of the completeness of reporting of cancer incidence cases diagnosed through December of the preceding year.
- e) Every hospital, clinical laboratory, ambulatory surgical treatment center and other facility shall provide representatives of the Department with access to information from all medical, pathological, and other pertinent records and logs related to cancer incidence.
- f) Every hospital, ambulatory surgical treatment center, clinical laboratory and other facility shall provide access to information regarding specified cancer patients or other patients specified for research studies related to cancer prevention and control conducted by

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

the Department and which have been approved after appropriate review by the Department for assuring protection of human subjects. (See 42 CFR 24.4(a)-(1), 24.6(a)-(b), 24.7(a)-(b)(1), 24.7(a)-(b)(2), 24.7(b)-(1), 24.7(b)-(2), 24.7(b)-(3), 24.7(b)-(4), 24.7(b)-(5), 24.7(b)-(6), 24.7(b)-(7), 24.7(b)-(8), 24.7(b)-(9), 24.7(b)-(10), 24.7(b)-(11), 24.7(b)-(12), 24.7(b)-(13), 24.7(b)-(14), 24.7(b)-(15), 24.7(b)-(16), 24.7(b)-(17), 24.7(b)-(18), 24.7(b)-(19), 24.7(b)-(20), 24.7(b)-(21), 24.7(b)-(22), 24.7(b)-(23), 24.7(b)-(24), 24.7(b)-(25), 24.7(b)-(26), 24.7(b)-(27), 24.7(b)-(28), 24.7(b)-(29), 24.7(b)-(30), 24.7(b)-(31), 24.7(b)-(32), 24.7(b)-(33), 24.7(b)-(34), 24.7(b)-(35), 24.7(b)-(36), 24.7(b)-(37), 24.7(b)-(38), 24.7(b)-(39), 24.7(b)-(40), 24.7(b)-(41), 24.7(b)-(42), 24.7(b)-(43), 24.7(b)-(44), 24.7(b)-(45), 24.7(b)-(46), 24.7(b)-(47), 24.7(b)-(48), 24.7(b)-(49), 24.7(b)-(50), 24.7(b)-(51), 24.7(b)-(52), 24.7(b)-(53), 24.7(b)-(54), 24.7(b)-(55), 24.7(b)-(56), 24.7(b)-(57), 24.7(b)-(58), 24.7(b)-(59), 24.7(b)-(60), 24.7(b)-(61), 24.7(b)-(62), 24.7(b)-(63), 24.7(b)-(64), 24.7(b)-(65), 24.7(b)-(66), 24.7(b)-(67), 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24.7(b)-(928), 24.7(b)-(929), 24.7(b)-(930), 24.7(b)-(931), 24.7(b)-(932), 24.7(b)-(933), 24.7(b)-(934), 24.7(b)-(935), 24.7(b)-(936), 24.7(b)-(937), 24.7(b)-(938), 24.7(b)-(939), 24.7(b)-(940), 24.7(b)-(941), 24.7(b)-(942), 24.7(b)-(943), 24.7(b)-(944), 24.7(b)-(945), 24.7(b)-(946), 24.7(b)-(947), 24.7(b)-(948), 24.7(b)-(949), 24.7(b)-(950), 24.7(b)-(951), 24.7(b)-(952), 24.7(b)-(953), 24.7(b)-(954), 24.7(b)-(955), 24.7(b)-(956), 24.7(b)-(957), 24.7(b)-(958), 24.7(b)-(959), 24.7(b)-(960), 24.7(b)-(961), 24.7(b)-(962), 24.7(b)-(963), 24.7(b)-(964), 24.7(b)-(965), 24.7(b)-(966), 24.7(b)-(967), 24.7(b)-(968), 24.7(b)-(969), 24.7(b)-(970), 24.7(b)-(971), 24.7(b)-(972), 24.7(b)-(973), 24.7(b)-(974), 24.7(b)-(975), 24.7(b)-(976), 24.7(b)-(977), 24.7(b)-(978), 24.7(b)-(979), 24.7(b)-(980), 24.7(b)-(981), 24.7(b)-(982), 24.7(b)-(983), 24.7(b)-(984), 24.7(b)-(985), 24.7(b)-(986), 24.7(b)-(987), 24.7(b)-(988), 24.7(b)-(989), 24.7(b)-(990), 24.7(b)-(991), 24.7(b)-(992), 24.7(b)-(993), 24.7(b)-(994), 24.7(b)-(995), 24.7(b)-(996), 24.7(b)-(997), 24.7(b)-(998), 24.7(b)-(999), 24.7(b)-(1000), 24.7(b)-(1001), 24.7(b)-(1002), 24.7(b)-(1003), 24.7(b)-(1004), 24.7(b)-(1005), 24.7(b)-(1006), 24.7(b)-(1007), 24.7(b)-(1008), 24.7(b)-(1009), 24.7(b)-(1010), 24.7(b)-(1011), 24.7(b)-(1012), 24.7(b)-(1013), 24.7(b)-(1014), 24.7(b)-(1015), 24.7(b)-(1016), 24.7(b)-(1017), 24.7(b)-(1018), 24.7(b)-(1019), 24.7(b)-(1020), 24.7(b)-(1021), 24.7(b)-(1022), 24.7(b)-(1023), 24.7(b)-(1024), 24.7(b)-(1025), 24.7(b)-(1026), 24.7(b)-(1027), 24.7(b)-(1028), 24.7(b)-(1029), 24.7(b)-(1030), 24.7(b)-(1031), 24.7(b)-(1032), 24.7(b)-(1033), 24.7(b)-(1034), 24.7(b)-(103

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interpreted as indicating non-involvement by a cancerous tumor:

- 1) Questionable,
- 2) Possible,
- 3) Suggests,
- 4) Equivocal,
- 5) Rule out,
- 6) ~~Very-close-to~~
- 67) ~~Morrisomez~~
- 7) Cannot be ruled out,
- 8) Potentially malignant.
- d) Determination of whether or not a given primary tumor is reportable shall be made by reference to the morphology codes (M-codes) of the Second Edition of the International Classification of Diseases for Oncology (ICD-O).
- e) The specified cases of tumorous or precancerous diseases which shall be reported to the Registry are:
 - 1) benign intracranial tumors, and
 - 2) other conditions which the facility wishes to report.
- f) Cases of basal or squamous cell neoplasms of the skin (i.e., ICD-O codes C44.0-C44.9 with M050 through M810) shall only be reported when located in the following areas: penis, scrotum, anus, eyelid, and muco-cutaneous junctions of the lips, labia and vulva.
- g) There are two mechanisms by which a reporting facility can report cancer cases. These depend on whether or not the reporting facility maintains a cancer program and tumor registry:
 - 1) Option #1. Facilities that maintain a cancer program and a tumor registry shall submit the incidence report form on diagnosed cancers to the Registry. The incidence report forms shall be submitted monthly in batches according to the schedule established by the Department. These facilities shall code the shaded boxes for primary site and morphology and shall specify clearly in writing in the space provided on the incidence report form, the primary site and morphology.
 - 2) Option #2. All other facilities shall submit the incidence report form on diagnosed cancers to the Registry. The incidence report forms shall be submitted monthly in batches according to the schedule established by the Department. These reporting facilities shall staple the patient's cancer-confirming pathology report to the incidence report form, shall specify clearly in writing in the space provided on the incidence report form, the primary site and morphology, and shall not code the primary site or morphology.
- h) All reporting facilities are responsible for complete casefinding, which means identifying all first time reported cancer patients and completing an incidence report form for the Registry. Casefinding techniques shall be implemented through the review of the clinical record and pathology and cytology reports.
 - 1) Any patient's clinical record identified with any of the

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following ICD-9-CM Diagnosis or Procedure Codes by the Medical Record Department shall be reviewed for reportability to the Registry:

Diagnosis Codes	
A) 042.2	AIDS with malignancy.
BA) 140-208	Malignancies (1° & 2°).
CB) 211.8	Mesothelioma of Peritoneum Peritoneum .
CE) 212.3	Adenoma of lung or bronchus.
EB) 212.4	Mesothelioma of Pleura Pleura .
FB) 230-234	Carcinoma-in-situ - all sites.
GE) 235-238	Neoplasms of uncertain behavior.
HE) 239	Neoplasms of unspecified nature.
I) 233-2	Neocytat-Gammopathy .
I) 233-2	Alpha-heavy-chain-disease .
J) 273.0-273.3	Disorders of plasma protein metabolism.
J) 273-3	Waldenström's macroglobulinemia .
J) 279.0-279.9	Disorders involving the immune mechanism.
K) 279-9	Unspecified disorder of immune-mechanism .
K) 289.0-289.9	Unspecified diseases of blood and blood forming organs.
L) V07.3	Other prophylactic chemotherapy.
M) V10-9-V10-9	Personal history of malignant-neoplasms .
M) V07.8	Other specific prophylactic measures.
N) V58-9	Radiation-therapy-for-malignancy .
N) V10.0-V10.9	Personal history of malignant neoplasms.
O) V58.0	Maintenance-chemotherapy .
P) V66-1	Radiation therapy for malignancy.
P) V58.1	Convalescence following-radiation-therapy .
Q) V66-2	Maintenance chemotherapy.
Q) V66-1	Convalescence following-radiation-therapy .
R) V66-2	Follow-up-exam-following-radiation-therapy.
S) V67-3	Convalescence following radiation therapy.
S) V67.1	Follow-up-exam-following-chemotherapy .
T) V76	Follow-up exam following radiation therapy.
U) V71.1	Spectra-screening-for-malignant-neoplasms .
U) V71.2	Follow-up exam following chemotherapy.
V) V71.1	Observation for suspected malignant neoplasm.
V) V76	Special screening for malignant neoplasms.

Procedure Codes	
W) 41.31	Bone marrow biopsy.
X) 92.21-92.29	Therapeutic radiology and nuclear medicine.
Y) 99.25	Injection of infusion of cancer chemotherapeutic substance.

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- 2) All pathology and cytology reports from the facility with a positive morphologic diagnosis of cancer shall be reviewed for reportable neoplasms, including reports on inpatient and outpatient surgical resections and biopsy specimens, bone marrow biopsies, cytology specimens and autopsies.
- 3) Any conflict of interpretation of cancer incidence shall defer to the clinician's determination.
- i) All reporting facilities shall submit the incidence report form(s) on a monthly basis as described below:
- 1) All facilities that submit their forms electronically shall use the North American Association of Central Cancer Registries data exchange record layout in the version specified by the Registry. **with-names--beginning-with-the-first-letter-of--A-S--shall--report during-the-1st-week-of-the-month;**
 - 2) **All--facilities--with--names--beginning-with-the-first-letter-H-N shall--report--during-the-2nd-week-of-the-month;**
 - 3) **All--facilities--with--names--beginning-with-the-first-letter-S--shall--report--during-the-3rd-week-of-the-month;**
 - 24) All facilities submitting manually shall use the Registry Cancer Incidence Report Form provided by the Department. **with-names--beginning-with-the-first-letter-B-S--text--during--S)--shall--report during-the-4th-week-of-the-month;**

(Source: Amended at 23 Ill. Reg. _____, effective _____)

SUBPART C: ADVERSE PREGNANCY OUTCOMES REPORTING SYSTEM

Section 840.210 Adverse Pregnancy Outcomes Information Required to be Reported

- a) Every hospital shall participate in the Adverse Pregnancy Outcomes Reporting System by reporting each adverse pregnancy outcome incident to the Department.
- b) An adverse pregnancy outcome incident consists of any infant which meets one of the criteria set forth below prior to discharge from newborn hospitalization:
- 1) Discharge from a patient care unit or bassinets(s) designated by the hospital to provide intensive care services requiring constant nursing services and continuous cardiopulmonary and other support services for infants with life threatening conditions (stay in the unit must exceed 24 hours);
 - 2) Diagnosis of a positive urine toxicology for any drug (ICD-9-CM 779.3) and/or showing signs of drug toxicity or withdrawal;
 - 3) Diagnosis with a congenital anomaly as defined by ICD-9-CM codes, ranging from 740.0 to 759.9;
 - 4) A serious congenital infection,
 - A) syphilis (ICD-9-CM 090.0 - 090.9) or
 - B) prenatal exposure to hepatitis B (ICD-9-CM V01.7) or

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- hepatitis B (ICD-9-CM 774.4). **congenital---infections**
~~†ICD-9-CM-774.††~~
- C) gonococcal (ICD-9-CM 098.0 - 098.89),
 - D) chlamydial (ICD-9-CM 097.0 - 097.9),
 - E) herpes (ICD-9-CM 054.4 - 054.9),
 - F) group B streptococcus (ICD-9-CM 041.02),
 - G) listeriosis (ICD-9-CM 027.0 or ICD-9-CM 771.2), and
 - H) congenital infections (ICD-9-CM 771.0 - 771.8);
- 5) An endocrine, metabolic or immune disorder,
- A) hypothyroidism (ICD-9-CM 243),
 - B) adrenogenital syndrome (ICD-9-CM 255.2),
 - C) inborn errors of metabolism (ICD-9-CM 270 - to 273),
 - D) cystic fibrosis (ICD-9-CM 277.0), and
 - E) immune deficiency disorder (ICD-9-CM 279.2);
- 6) A blood disorder,
- A) leukemia (ICD-9-CM 204 - to 208),
 - B) hereditary hemolytic anemias (ICD-9-CM 282),
 - C) constitutional aplastic anemia (ICD-9-CM 284), and
 - D) coagulation defects (ICD-9-CM 286);
- 7) Other conditions,
- A) neurofibromatosis (ICD-9-CM 237.7),
 - B) retinopathy of prematurity (ICD-9-CM 362.21),
 - C) chorioretinitis (ICD-9-CM 363.2),
 - D) strabismus (ICD-9-CM 378),
 - E) endocardial fibroelastosis (ICD-9-CM 425.3),
 - F) occlusion of cerebral arteries (ICD-9-CM 434),
 - G) fetal alcohol syndrome (ICD-9-CM 760.71),
 - H) intrauterine growth retardation (ICD-9-CM 764.9), and
 - I) cerebral lipidoses (ICD-9-CM 330.1);
- 8) A birth weight of less than 1501 grams; or
- 9) Diagnosis as a perinatal or neonatal death.
- AGENCY NOTE: Fetal death (gestation greater than 20 weeks) is considered an adverse pregnancy outcome and will be included in the APORS database. However, fetal deaths do not have to be reported through APORS, because these deaths are already reported and compiled in the Department's Vital Records database. In addition, the products of induced abortions shall not be reported to APORS.
- c) Every hospital shall provide the following information when reporting each adverse pregnancy outcome incident: ~~the--APORS--will--also--be~~
~~completed--with--information--from--the--Department's--Vital--Records~~
~~database--under--the--Vital--Records--Act--and--Other--Material--and--Child~~
~~health--reports--and--submissions.~~
- 1) The name, location and hospital identification number (a 4-digit number supplied by the Department) of the reporting hospital;
 - 2) The name, location and hospital identification number (a 4-digit number supplied by the Department) of the delivery hospital;
 - 3) The infant's patient identification number, medical records

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number, admission date, delivery date, discharge date, first and last names, also known as name, date of birth, gender, race, Hispanic ethnicity, gestational age, birth weight, and medical diagnoses.

- 4) Whether the infant was admitted to a designated patient unit (subsection (b)(1)) and stayed more than 24 hours;
 - 5) Whether the infant had a positive urine toxicity for any drug and/or showed signs of drug toxicity or withdrawal, and the name of the drug(s) indicated;
 - 6) The mother's first, last and maiden names; telephone number; address; country of residence; hospital medical record number; marital status; and age; and information on her history of pregnancies (number of pregnancies, number of full term births, number of premature births, number of abortions (spontaneous and induced), and number of living children);
 - 7) The father's first and last names;
 - 8) Discharge information, including infant death, home, other hospital, long-term care facility, and other agency;
 - 9) The type of delivery (vaginal or Cesarean section);
 - 10) The type of feeding the infant is receiving at discharge;
 - 11) The infant's weight, head circumference and length at discharge;
 - 12) Infant treatment, medication and other concerns at discharge;
 - 13) The name and telephone number of a nurse contact at the reporting hospital;
 - 14) The name, address and telephone number of a relative or friend with a description of that person's relationship to the infant;
 - 15) Whether the family was informed that a Local Health Department or Health Agency would be visiting the family to offer follow-up services, and the name and identification code number for the Local Health Department or Health Agency that will be serving the family;
 - 16) The name of the infant's primary care physician;
 - 17) The type of social services the infant's family is receiving or will receive at discharge; and
 - 18) The name and title of the person preparing the report with the date the report was made.
- d) The APORS will also be complemented with information from the Department's Vital Records Database under the Vital Records Act and other Maternal and Child Health reports and submissions.
- (Source: Amended at 23 Ill. Reg. _____, effective _____)

Section 840.215 Methods of Reporting APORS Information

- a) The Adverse Pregnancy Outcomes Reporting System consists of one form of reporting. This reporting shall be on the forms provided by the Department or through electronic means compatible with the

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Department's data processing system. Every hospital shall develop procedures and policies for identifying reportable infant cases to APORS. (See Appendix-B-Exhibit A-7)

b) The Infant Discharge Record (Appendix-B-Exhibit A-7) shall be provided by the Department and completed by the hospital providing the highest level of care and distributed within seven days of discharge (see 77 Ill. Adm. Code 250.1820 and 77 Ill. Adm. Code 640 for explanation of levels of care). The form must be typed or completed in ball point pen. In addition, all dates must be entered in numeric form.

c) The Infant Discharge Record shall be distributed in the following manner:

- 1) The original form (white copy) of the Infant Discharge Record must be sent to the Department's Division of Epidemiologic Studies, 605 West Jefferson, Springfield, Illinois 62761-9986;
 - 2) The canary copy of each form must be sent to the Local Health Department or Health Agency in the county of the mother's residence;
 - 3) The pink copy of each form must be sent to the patient's primary care physician;
 - 4) The goldenrod copy may be retained by the reporting facility.
- d) When electronic media are used to report an Infant Discharge Record to the Department, the reporting hospital shall send a copy of the report to the Local Health Department or Health Agency in the county of the mother's residence, and to the patient's primary care physician. The reporting hospital may maintain a copy of the report or maintain a computer file of the report. ~~The maternal supplement (Appendix-B-Exhibit B) will be completed by the Department field abstractors. The abstractors will go to hospitals and abstract the maternal information from the mother's delivery record. When the extended electronic birth certificate system is implemented, the hospital will submit the maternal information to the Department as part of the infant's extended electronic birth certificate. The Department will collect the following:~~
- 1) The mother's social security number, date of birth, date of last menstrual period, weight change, history of cigarette use, alcohol use during pregnancy, use of drugs during pregnancy, employment during pregnancy, and diagnoses;
 - 2) Whether public funding was used for the hospitalization of the mother or if the mother had applied for public funds during her time of hospitalization;
 - 3) Whether a prenatal ultrasound was performed during the pregnancy.
- e) The Department shall collect maternal information. The Department's field abstractors will go to hospitals and abstract the maternal information from the mother's delivery record. When the extended electronic birth certificate system is implemented, the hospital will submit the maternal information to the Department as part of the infant's extended electronic birth certificate. The Department will collect the following:

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4) Information on labor and delivery, including the type of delivery, use of chemical stimulation to begin or augment labor, and the use of an electronic fetal monitor.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

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Section 840 Appendix A ISCR Incidence Report Form (Repealed)

PATIENT DATA	NAME	DATE
REPORT	NAME	DATE
NAME	DATE	

ILLINOIS STATE CANCER REGISTRY		
INCIDENCE REPORT FORM		
1. ILLINOIS BLANKS	2. PATIENT-USE ONLY	3. ATTACHMENT REQUIRED
AND UNMAILED		

[illegible]

(Source: Repealed at 23 Ill. Reg. _____, effective _____)

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Section 840. APPENDIX B Instructions for APORS Reporting (Repealed)

Section 840. EXHIBIT A Instructions for Completing Infant Discharge Record (Repealed)

- a) Reporting-hospital--end-city---Print--the--name--and--city--of--your--hospital---Do--not--enter--the--code;--it--will--be--entered--by--the--Department;
- b) Delivery--hospital--and-city---Print--the--name--of--the--hospital--or--other--location--at--which--the--birth--occurred---For--out-of-hospital--births--identify--the--location--by--address--or--by--description--e.g.,--enroute-to-hospital---Print--the--city--(and--the--state--if--not--in--Illinois)--in--which--the--birth--occurred---Do--not--enter--the--code;--it--will--be--entered--by--the--Department;
- c) Patient--ID#---Enter--the--patient--number--used--by--your--hospital--which--is--unique--to--each--admission---This--number--is--usually--assigned--by--the--business--office--and--may--be--different--from--the--medical--record--number--{Infant's}--Med--Rec--#--(Medical--Record--Number)---Enter--the--Infant's--medical--record--number;
- e) Adm--date--(admission--date)---Enter--the--date--the--infant--was--admitted--to--your--facility---For--deliveries--which--occurred--within--your--facility--the--admission--date--and--delivery--date--will--be--identical;
- f) {Infant's}--last--name--and--first--name---Print--the--name--of--the--infant's--last--name--first---The--name--entered--here--should--be--identical--with--the--name--on--the--birth--certificate;
- g) Delivery--(date)---Enter--the--date--of--birth;
- h) AKA--name--(Also--known--As)---Print--any--other--last--name--by--which--the--infant--is--known;
- i) B/G--Date--(Discharge--Date)---Enter--the--date--the--infant--was--discharged--from--your--facility---For--infant--deaths--which--occur--within--the--hospital--use--the--date--of--death--as--the--discharge--date---Transfers--should--be--treated--as--follows:
- 1) For--an--infant--transferred--from--one--unit--to--another--within--your--hospital--(e.g.,--from--newborn--nursery--to--designated--patient--care--unit--to--intermediate--nursery)---enter--the--date--the--infant--was--discharged--from--the--facility;
- 2) For--an--infant--transferred--from--a--level--iii--hospital--to--either--a--level--ii--or--i--or--from--a--level--ii--to--a--level--i--enter--the--date--of--transfer;
- 3) For--an--infant--transferred--from--one--level--iii--to--another--from--one--level--iii--to--another--or--from--one--level--ii--to--another--only--the--hospital--providing--the--higher--level--of--care--completes--the--infant--Discharge--Record--(at--the--time--of--discharge--from--their--facility);
- 4) For--an--infant--transferred--from--a--level--i--hospital--to--a--level--ii--or--iii--or--from--a--level--ii--to--a--level--iii--only--the--higher--level--facility--completes--the--infant--Discharge--Record--(at--the--time--of--discharge--from--their--facility);
- j) Sex---Check--the--appropriate--box;

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- k) Race-----Check the appropriate box-----Whenever possible, use the designation the parents feel is most appropriate for their infant.
- l) Hispanic-----Check the appropriate box-----The infant should be designated as Hispanic if either parent is identified with that ethnic group. If no information is available, then check N/A; not available. Note: Be sure to mark both "Race" and "Hispanic" for all infants. Hispanic persons may belong to any race.
- m) Diagnoses-----List all infant diagnoses and/or conditions including all congenital anomalies and genetic disorders. At least one entry must be made here. Do not enter the codes; they will be entered by the Department.
- n) Delivery type-----Check the appropriate box to indicate whether the delivery was a vaginal delivery or cesarean section.
- o) Gestational age (GA)-----Enter the number of weeks spent in utero from conception to the time of birth.
- 1) The Dubowitz Assessment of gestational age is the preferred method of determining GA.
- 2) If the Dubowitz score is not available, record GA based on the last menstrual period (LMP).
- 3) If GA based on LMP is not available, record GA based on general appearance of infant.
- p) Admit to a designated patient unit-----Check the appropriate box to report whether the infant was admitted to a designated patient care unit. A designated patient care unit is as specified in Section 640.210(a)(1) of this Part. A unit or bassinets designated by the hospital to provide intensive care services requiring constant nursing services and continuous cardiopulmonary and other support services for infants with life threatening conditions (stay in the unit must exceed 24 hours).
- q) Consult perinatal center (infant):
- 1) Check Box 1 if an attending physician at a community hospital contacted a perinatal center regarding care of the infant and subsequently transferred the infant to the center.
 - 2) Check Box 2 if such a consultation was made without a transfer.
 - 3) Check Box 3 if no consultation was made.
 - 4) Check Box 9 if no information about a consultation is available.
- Consult perinatal center (maternity):
- 1) Check Box 1 if an attending physician at a community hospital contacted a perinatal center regarding care of the mother and subsequently transferred the mother to the center.
 - 2) Check Box 2 if such a consultation was made without a transfer.
 - 3) Check Box 3 if no consultation was made.
 - 4) Check Box 9 if no information about a consultation is available.
- r) Drug toxicity or withdrawal-----Enter yes or no if there is an infant report of a urine toxicology or signs or symptoms of drug withdrawal if yes, enter the specific drug on the line after "Specify".
- t) Birth Weight-----Enter the infant's birth weight in grams.
- u) Discharge Weight-----Enter the weight (in grams) of the infant at the

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- time of discharge:
- v) Birth-----head----- (circumference)-----Enter the head circumference (in centimeters) of the infant at birth.
- w) Discharge head (circumference)-----Enter the head circumference (in centimeters) of the infant at the time of discharge.
- x) Birth length-----Enter the crown-heel length (in centimeters) of the infant at birth.
- y) Discharge length-----Enter the crown-heel length (in centimeters) of the infant at the time of discharge.
- z) Mother's last name first name maiden name-----Print the last, first and maiden name of the infant's mother. Enter the maiden name even when it is identical with the last name. If married and maiden name is not known, enter unknown.
- aa) Mother's Med-Rec (Medical Record Number)-----Enter the mother's medical record number assigned by the hospital of delivery. If available.
- bb) Father's last name and first name-----Print the name of the infant's father if available.
- cc) Address-----Print house number, street, city, and state of the infant's mother.
- dd) County-----Print the name of the county in which the mother resides. Do not enter the code; it will be entered at Illinois Department of Public Health.
- ee) Zip-----Enter the mother's zip code.
- ff) Phone-----Print the local phone number of the infant's mother including area code.
- gg) Marital status-----Check the appropriate box to indicate mother's marital status.
- hh) Gravida-----Enter total number of pregnancies including the present pregnancy of the infant's mother.
- ii) Para-----Complete each line as instructed:
- P-----Number of full term births.
 - A-----Number of premature births.
 - B-----Number of living children.
- All deliveries including the newborn are to be included in P, P+or A. The newborn must also be included in B if discharged alive from the reporting hospital.
- jj) Age-----Enter the mother's age at last birthday.
- kk) Complications of pregnancy-----Print all complications that were recorded as occurring during or as a result of the pregnancy. The following list provides examples of acute complication narratives. It is not inclusive of all pregnancy complications:
- 1) Chronic hypertension
 - 2) Gestational diabetes
 - 3) Gestational diabetes
 - 4) Third trimester uterine bleeding
 - 5) Toxemia of all classes

DEPARTMENT OF PUBLIC HEALTH

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- 6) Polyhydramnios-or-oligohydramnios
 7) Rhincho-embolic-disease
 8) Multiple-pregnancy
 9) Inappropriate-fetal-growth-for-gestational-age
 10) Persistent-abnormal-presentation
 11) Posidate-pregnancy
 12) Premature-rupture-of-membranes
 13) Premature-labor
 14) Tumor-or-other-obstruction-of-birth-canal
 15) Retro-pelvic-disproportion
 16) Active-genital-herpes
 17) Discharge-information:
 1) Check-Box-1-for-infant-death--List-the-cause-of-death-under diagnoses:
 2) Do-not-use-Box-2-Department-will-identify-fetal-deaths-from fetal-Death-Certificates?
 3) Check-Box-3-for-an-infant-discharged-to-the-mother's-home-or-to any-other-family-setting--if-the-infant-is-discharged-to-a family-setting-other-than-the-mother's--as-shown-in-Address above-please-explain-in-Other-Concerns-space-below
 4) Check-Box-4-to-report-transfer-to-another-hospital-and-specify the-name-and-location-city-of-that-hospital--Do-not-enter-the code-it-will-be-entered-at-IBPH:
 5) Check-Box-5-to-report-discharge-to-any-long-term-care-facility- Print-the-name-and-location-of-the-facility:
 6) Check-Box-6-to-report-discharge-to-any-public-or-private-child services-or-welfare-agency-such-as-the-Illinois-Department-of Children-and-Family-Services-(DCFS)--Print-the-name-and-location of-the-agency--Send-the-first-three-copies-of-the-infant Discharge-Record-to-IBPH--DO-Not-distribute-copies-to-the-local health-department-or-primary-care-physician:
 Infant Feedings--Check-the-appropriate-box--if-the-infant-is-bottle-feeding or-feeding:
 on-or-unsupplemented--then-specify-formula-type--frequency--and--amount of-feeding:
 m) Infant-BYC-treatment-(infant-discharge-treatment)--Print-all-specific treatments-excepting-medications-for-the-infant-upon-discharge
 o) Infant--medication--Print--the--names--dosages--and--route-of administration--of--all--medications--the--infant--is--receiving--upon discharge:
 p) Other-concerns--Describe-any-other-concerns--health--social development--the-local-public-health-nurse-should-know-about-when making-a-home-visit--if-the-infant-was-discharged-to-a-home-Other than-the-mother's--please-specify-the-address-and-the-name-of-the caretaker:
 q) RN-contact-at-hospital--and--phone--Print-the-name--and--telephone number--including--area-code--of-the-reporting-hospital-nurse-who-can be-contacted-regarding-the-infant-by-the-public-health-nurse--making home-visits-to-the-patient:

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- r) Print--the--name--of-a-friend-relative-or-other-person-who-would-know how-to-reach-the-infant's-parents--Specify--the--exact--relationship (mother--father--sister--uncle--friend--pastor)--of-the-contact-person to-the-infant's-parents:
 s) Address-and-phone--Print-the-contact-person's--house--number--street name--city--state--and--telephone-number--including--area--code--in parentheses:
 t) Family-informed-of-BUN-visit--Check-whether-the-family-has-been informed-that-a-local-public-health-nurse-will-visit-their-home:
 u) BUN-Agency--Print--the--name-of-the-local-health-agency-to-whom-the infant-was-referred-for-follow-up-services--Refer-to-the-local-health agency-in-the-county-of-the-mother's-residence--See-the-list-of-such agencies-and-the-areas-they-serve-provided-by-the-Department--Be-not enter-the-code-it-will-be-entered-by-the-Department:
 v) Current-support-services--Check-the-appropriate-box(es)-to-indicate the-social-services-the-infant's-family-is-receiving-or-will-receive upon-discharge-for-this-infant:
 1) Check-Box-1-if-the-family-is-receiving-services-for-this-infant from-a-community-social-service-agency-or-if-a-referral-for-such services-has-been-made:
 2) Check-Box-2-if-the-Division-of-Services-to-Crippled-Children-is providing-services-to-this-infant-or-if-a-referral-to-DSOS-has been-made:
 3) Check-Box-3-if-the-Department-of-Children-and-Family-Services-is providing-services-to-the-family-for-this-infant--or-if-a referral-to-DCFS-has-been-made:
 4) Check-Box-4-if-the-family-is-receiving-services-for-this-infant from-any-other-agency--or-if-a-referral-for-such-services-has been-made--Specify-the-agency-by-name:
 5) Check-Box-5-if-the-family-is-receiving-no-support-services-for this-infant:
 w) Primary-care-physician's-name--Print-the-name-of-the-infant's-local primary-care-physician:
 x) Signature-and-title--Enter-your-name-and-title:
 y) Report-date--Print-the-date-the-form-is-completed:

(Source: Repealed at 23 Ill. Reg. _____, effective _____)

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

Section 840. EXHIBIT B Instructions for Completing Maternal Supplement (Repealed)

- a) Social security number--Enter the mother's--social--security--number--if the mother's social security number is unknown--enter 9's
- b) Date of birth--Enter the month--day--and last two digits of the mother's year of birth--if any portion of the date is missing--leave the space blank
- c) Public funding--Check the appropriate box to indicate if public funds were used--for the hospitalization of the mother or if the mother has applied for public funds during the time of hospitalization:
 - 1) Check code 1 if mother's payment source is medicare
 - 2) Check code 2 if mother's payment source is private insurance
 - 3) Check code 3 if mother's payment source is Medicaid
 - 4) Check code 4 if mother's payment source is private insurance
 - 5) Check code 5 if mother's payment source is private insurance
 - 6) Check code 6 if mother's payment source is private insurance
 - 7) Check code 7 if mother's payment source is private insurance
 - 8) Check code 8 if mother's payment source is private insurance
 - 9) Check code 9 if mother's payment source is private insurance
 - 10) Check code 10 if mother's payment source is private insurance
 - 11) Check code 11 if mother's payment source is private insurance
 - 12) Check code 12 if mother's payment source is private insurance
 - 13) Check code 13 if mother's payment source is private insurance
 - 14) Check code 14 if mother's payment source is private insurance
 - 15) Check code 15 if mother's payment source is private insurance
 - 16) Check code 16 if mother's payment source is private insurance
 - 17) Check code 17 if mother's payment source is private insurance
 - 18) Check code 18 if mother's payment source is private insurance
 - 19) Check code 19 if mother's payment source is private insurance
 - 20) Check code 20 if mother's payment source is private insurance
 - 21) Check code 21 if mother's payment source is private insurance
 - 22) Check code 22 if mother's payment source is private insurance
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 - 92) Check code 92 if mother's payment source is private insurance
 - 93) Check code 93 if mother's payment source is private insurance
 - 94) Check code 94 if mother's payment source is private insurance
 - 95) Check code 95 if mother's payment source is private insurance
 - 96) Check code 96 if mother's payment source is private insurance
 - 97) Check code 97 if mother's payment source is private insurance
 - 98) Check code 98 if mother's payment source is private insurance
 - 99) Check code 99 if mother's payment source is private insurance
 - 100) Check code 100 if mother's payment source is private insurance

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 2) Check code 2 if the mother has not consumed alcohol during this pregnancy
- 3) Check code 3 if the mother's medical record is not available for review
- 4) Check code 4 if there is no mention of alcohol consumption in the mother's medical record
- 5) Check code 5 if the mother received ultrasound sonogram or echogram during this pregnancy prior to delivery
- 6) Check code 6 if the mother did not receive ultrasound sonogram or echogram prior to delivery--Also use this code if the record states no prenatal care unless there is an ultrasound documented after admission and before delivery
- 7) Check code 7 if the mother's record is not available for review
- 8) Check code 8 if there is no mention of ultrasound sonogram or echogram in the mother's medical record
- 9) Check code 9 if chemical stimulation was used to begin or augment labor (i.e., pitocin, oxytocin)
- 10) Check code 10 if no chemical stimulation was used to begin or augment labor
- 11) Check code 11 if chemical stimulation was used to begin or augment labor
- 12) Check code 12 if no chemical stimulation was used to begin or augment labor
- 13) Check code 13 if the mother's medical record is not available for review
- 14) Check code 14 if the mother had a spontaneous vaginal delivery
- 15) Check code 15 if the delivery was done with mid-low forceps
- 16) Check code 16 if the delivery was a vacuum extraction
- 17) Check code 17 if the delivery was vaginal breech
- 18) Check code 18 if a primary caesarean section was performed
- 19) Check code 19 if a secondary or repeat caesarean section was performed
- 20) Check code 20 if other type of delivery not listed in codes 1 through 6 was performed
- 21) Check code 21 if the mother's medical record is not available for review
- 22) Check code 22 if the medical record does not contain information

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- identifying the type of delivery
- 1) Mhs--used--drugs--(mother's)--Record any drug use that is documented as occurring during this pregnancy.
- 2) Check code-0 if the mother has used opiod during this pregnancy.
- 3) Check code-1 if the mother has used barbiturate during this pregnancy.
- 4) Check code-2 if the mother has used cocaine during this pregnancy.
- 5) Check code-3 if the mother has used cannabis during this pregnancy.
- 6) Check code-4 if the mother has used drugs during this pregnancy that are not listed in codes 0 through 3.
- 7) Check code-5 if the mother has used a combination of any drugs listed in codes 0 through 3 during this pregnancy.
- 8) Check code-6 if the mother has not used any drugs during this pregnancy.
- 9) Check code-8 if the mother's medical record is not available for review.
- 10) Check code-9 if there is no documentation of mother's drug use during this pregnancy.
- 11) Mother employed while pregnant.
- 12) Check code-1 if the mother was employed at any time during this pregnancy.
- 13) Check code-2 if the mother was unemployed during this pregnancy.
- 14) Check code-8 if the mother's medical record is not available for review.
- 15) Check code-9 if there is no indication of the mother's employment status.
- 16) Occupation--(mother's)--Enter the title of the mother's current or most recent occupation regardless of what the mother has done over her lifetime--if the current or most recent occupation is unknown--enter unknown--if the mother is currently unemployed but her most recent occupation is known enter the title of her most recent occupation.
- 17) Industry--(mother's)--Enter the industry by which the mother is currently or was most recently employed--industry is any branch of trade, business or manufacturing--if the industry cannot be defined enter the name and address of the company.
- 18) Father employed.
- 19) Check code-1 if the father was employed.
- 20) Check code-2 if the father was unemployed.
- 21) Check code-8 if the mother's medical record is not available for review.
- 22) Check code-9 if the father's employment status is unknown.
- 23) Occupation--(father's)--Enter the title of the father's current or most recent occupation regardless of what the father has done over his lifetime--if the current or most recent occupation is unknown--enter unknown--if the father is currently unemployed but his most recent occupation is known enter the title of his most recent occupation.

DEPARTMENT OF PUBLIC HEALTH

NOTICE OF PROPOSED AMENDMENTS

- 24) Industry--(father's)--Enter the industry by which the father is currently or was most recently employed--industry is any branch of trade, business or manufacturing--if the industry cannot be defined enter the name and address of the company.
- 25) Mother's diagnoses--Record the narrative of the mother's diagnoses from the delivery medical record.

(Source: Repealed at 23 Ill. Reg. _____, effective _____)

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Cigarette Tax Act

2) Code Citation: 86 Ill. Adm. Code 440

3) Section Numbers: Proposed Action:
440.50 Amendment

4) Statutory Authority: 35 ILCS 130

5) A Complete Description of the Subjects and Issues Involved: P.A. 91-0246 was signed into law and became effective July 22, 1999. That legislation requires that no revenue tax stamps or imprints may be affixed to a cigarette package unless the package complies with the Federal Cigarette Labeling and Advertising Act, 15 USC 1331 and following. It also provides that no revenue tax stamps may be affixed to a package of cigarettes, cigarette papers, wrappers, or tubes if the package has been marked for export outside the United States with a label or notice in compliance with Title 27, Section 290.185 of the Code of Federal Regulations. Violators of the provisions shall have their distributor license revoked under the authority of Section 6 of the Cigarette Tax Act. The Department interprets the statute to allow distributors and retailers to turn over their inventories of pre-stamped cigarettes without violating the law. Based upon normal inventory turn over times provided by the Illinois Tobacco and Candy Distributors Association, the Department is creating, by rule, a rebuttable presumption that after August 15, 1999, all improperly stamped cigarettes in the possession of a distributor were stamped in violation of the Act and, after September 1, 1999, all improperly stamped cigarettes found in the possession of a retailer were stamped, by the distributor from whom obtained, in violation of the law.

6) Will this rulemaking replace any emergency rulemaking currently in effect
Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create a State Mandate, nor does it modify any existing State Mandates.

11) Time, Place and Manner in which interested persons may comment on this Proposed rulemaking: Persons who wish to submit comments on this proposed rule may submit them in writing by no later than 45 days after publication of this notice to:

Martha Mote

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

Associate Counsel
Illinois Department of Revenue
101 West Jefferson
Springfield, Illinois 62794
(217) 782-6996

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None
- C) Types of professional skills necessary for compliance: None
- 13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the two most recent agendas because: This rulemaking accompanies an emergency rulemaking. The rulemaking was not anticipated by the Agency and was not included in a regulatory agenda.

The full text of the Proposed Amendment is identical to the text of the Emergency Rulemaking which appears in this issue of the *Illinois Register* on page 9543.

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

1) Heading of the Part: Cigarette Use Tax Act

2) Code Citation: 86 Ill. Adm. Code 450

3) Section Numbers: Proposed Action:
450.10 Amendment

4) Statutory Authority: 35 ILCS 135

5) A Complete Description of the Subjects and Issues Involved: P.A. 91-0246 was signed into law and became effective July 22, 1999. That legislation requires that no revenue tax stamps or imprints may be affixed to a cigarette package unless the package complies with the Federal Cigarette Labeling and Advertising Act, 15 USC 1331 and following. It also provides that no revenue tax stamps may be affixed to a package of cigarettes, cigarette papers, wrappers, or tubes if that package has been marked for export outside the United States with a label or notice in compliance with Title 27, Section 290.185 of the Code of Federal Regulations. Violators of the provisions shall have their distributor license revoked under the authority of Section 6 of the Cigarette Use Tax Act. The Department interprets the statute to allow distributors and retailers to turn over their inventories of pre-stamped cigarettes without violating the law. Based upon normal inventory turn over times provided by the Illinois Tobacco and Candy Distributors Association, the Department is creating, by rule, a rebuttable presumption that after August 15, 1999, all improperly stamped cigarettes in the possession of a distributor were stamped in violation of the Act and, after September 1, 1999, all improperly stamped cigarettes found in the possession of a retailer were stamped, by the distributor from whom obtained, in violation of the law.

6) Will this rulemaking replace any emergency rulemaking currently in effect?
Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking does not create a State mandate, nor does it modify any existing State mandates.

11) Time, Place and Manner in which interested persons may comment on this proposed rulemaking: Persons who wish to submit comments on this proposed rulemaking may submit them in writing by no later than 45 days after publication of this notice to:

Martha Wote

DEPARTMENT OF REVENUE

NOTICE OF PROPOSED AMENDMENTS

Associate Counsel
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794
(217)782-6996

12) Initial Regulatory Flexibility Analysis:

- A) Types of small businesses, small municipalities and not for profit corporations affected: None
- B) Reporting, bookkeeping or other procedures required for compliance: None

C) Types of professional skills necessary for compliance: None

13) Regulatory Agenda on which this rulemaking was summarized: This rule was not included on either of the 2 most recent agendas because: this rulemaking accompanies an emergency rulemaking. The rulemaking was not anticipated by the Agency and was not included in a regulatory agenda.

The full text of the Proposed Amendments is identical to the text of the Emergency Rulemaking which appears in this issue of the Illinois Register on Page **9548**

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

1) Heading of the Part: Issuance of Licenses

2) Code Citation: 92 Ill. Adm. Code 1030

3) Section Numbers: 1030.86
Proposed Action: Amendment

4) Statutory Authority: Section 2-104(b) of the Illinois Vehicle Title and Registration Law of the Illinois Vehicle Code [625 ILCS 5/2-104(b)] and Article I of the Illinois Driver Licensing Law of the Illinois Vehicle Code [625 ILCS 5/Ch. 6, Art. 1].

5) A Complete Description of the Subjects and Issues Involved: This rulemaking is being proposed to establish and clarify standards and guidelines for the procedure to be followed when an applicant fails any written or road test administered as part of the CDL process. There is a growing concern that unqualified applicants may obtain a CDL by sheer repetition of the testing process. This proposed rulemaking is designed to protect public safety, to ensure that unqualified individuals do not obtain a CDL. The establishment of waiting periods provides applicants an opportunity to re-examine their skills, as well as the requirements for the classification of the license they are seeking, while at the same time protecting the public from an unqualified CDL driver.

6) Will this rulemaking replace any emergency rulemaking currently in effect?
Yes

7) Does this rulemaking contain an automatic repeal date? No

8) Does this rulemaking contain incorporations by reference? No

9) Are there any other proposed rulemakings pending on this Part? No

10) Statement of Statewide Policy Objectives: This rulemaking will have no effect on local units of government.

11) Time, place and manner in which interested persons may comment on this proposed rulemaking: The Secretary of State will fully consider all comments received within 45 days of the date this notice is published. All comments must be in writing and should be sent to:

Robert W. Mueller
Assistant General Counsel
2701 South Dirksen Parkway
Springfield IL 62723
217-782-5356

12) Initial Regulatory Flexibility Analysis: After careful consideration, the

SECRETARY OF STATE

NOTICE OF PROPOSED AMENDMENT

Secretary of State feels this proposed rulemaking will have no effect on any types of small businesses and the proposed rule has not been submitted to the Small Business Office of the Department of Commerce and Community Affairs.

13) Regulatory Agenda on which this rulemaking was summarized: This rulemaking was not included on either of the 2 most recent Regulatory Agendas because: This rulemaking was intended for the July 1999 Agenda, but exigent circumstances compelled the Office to go forward with the rulemaking at this time.

The full text of the Proposed Amendment is identical to the text of the emergency amendment appearing on page 9554 in this issue of the Illinois Register.

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Definitions2) Code Citation: 8 Ill. Adm. Code 203) Section Number: Adopted Action:
20.1 Amended

4) Statutory Authority: Section 15 of the Illinois Swine Disease Control and Eradication Act [510 ILCS 100/15]; Section 15 of the Illinois Feeder Swine Dealer Licensing Act [225 ILCS 620/15]; Section 15 of the Illinois Livestock Dealer Licensing Act [225 ILCS 645/15]; Section 18 of the Illinois Bovine Tuberculosis Eradication Act [510 ILCS 35/18]; Section 10 of the Illinois Bovine Brucellosis Eradication Act [510 ILCS 30/10]; Section 7 of the Illinois Swine Brucellosis Eradication Act [510 ILCS 95/7]; Section 12 of the Illinois Dead Animal Disposal Act [225 ILCS 610/12]; Section 2 of the Illinois Diseased Animals Act [510 ILCS 50/2]; Sections 8a and 11 of the Livestock Auction Market Law [225 ILCS 640/8a and 11]; Section 2.3 of the Poultry Inspection Act [510 ILCS 85/2.3]; Section 5 of the Illinois Pseudorabies Control Act [510 ILCS 90/5].

5) Effective Date of Amendments: July 29, 19996) Does this rulemaking contain an automatic repeal date? No7) Does this amendment contain incorporations by reference? Yes

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: March 19, 1999; 23 Ill. Reg. 3198

10) Has JCAR issued a Statement of Objections to this amendment? No11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No agreements were necessary.

13) Will this amendment replace an emergency amendment currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Amendment: A definition for "auction market" is being added, and the definition of "marketing center" is clarified to bring these definitions in line with how the terms are currently being used in the Code of Federal Regulations. The definition of "approved

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

"ear tag" will be clarified to describe what information should be included on the ear tag. A clarification is made to the definition of "consignment" by removing the term "marketing center". The definition of "health certificate" is being clarified to state that no alteration of any type is allowed on the health certificate. The Department is updating the CFR citations and incorporations to the 1999 edition of the Code of Federal Regulations.

16) Information and questions regarding this adopted amendment shall be directed to:

Linda Rhodes
Illinois Department of Agriculture
State Fairgrounds
Springfield, IL 62794-9281
Telephone: 217/785-5713
Facsimile: 217/785-4505

The full text of adopted amendments begins on the next page:

DEPARTMENT OF AGRICULTURE

NOTICE OF ADOPTED AMENDMENTS

TITLE 8: AGRICULTURE AND ANIMALS
CHAPTER 1: DEPARTMENT OF AGRICULTURE
SUBCHAPTER b: ANIMALS AND ANIMAL PRODUCTS
(EXCEPT MEAT AND POULTRY INSPECTION ACT REGULATIONS)

PART 20

DEFINITIONS

Section

20.1 Definitions

AUTHORITY: Implementing and authorized by Section 15 of the Illinois Swine Disease Control and Eradication Act (510 ILCS 100/15); Section 15 of the Illinois Feeder Swine Dealer Licensing Act (225 ILCS 620/15); Section 15 of the Illinois Livestock Dealer Licensing Act (225 ILCS 645/15); Section 18 of the Illinois Bovine Tuberculosis Eradication Act (510 ILCS 35/18); Section 10 of the Illinois Bovine Brucellosis Eradication Act (510 ILCS 30/10); Section 7 of the Illinois Swine Brucellosis Eradication Act (510 ILCS 95/7); Section 12 of the Illinois Dead Animal Disposal Act (225 ILCS 610/12); Section 2 of the Illinois Diseased Animals Act (510 ILCS 50/2); Sections 8a and 11 of the Livestock Auction Market Law (225 ILCS 640/8a and 11); Section 2.3 of the Poultry Inspection Act (510 ILCS 85/2.3); and Section 5 of the Illinois Pseudorabies Control Act (510 ILCS 90/5).

SOURCE: Regulations Relating to the Bureau of Animal Health and the Bureau of Animal Welfare, Definitions, filed January 27, 1966, effective January 27, 1966; amended May 3, 1972, effective May 14, 1972; codified at 5 Ill. Reg. 10437; amended at 8 Ill. Reg. 5915, effective April 23, 1984; amended at 9 Ill. Reg. 18404, effective November 19, 1985; amended at 10 Ill. Reg. 9747, effective May 21, 1986; amended at 12 Ill. Reg. 8275, effective May 2, 1988; amended at 18 Ill. Reg. 1844, effective January 24, 1994; amended at 20 Ill. Reg. 1522, effective January 12, 1996; amended at 23 Ill. Reg. 404, effective January 1, 1999; amended at 23 Ill. Reg. 8964, effective Jul 29, 1999.

Section 20.1 Definitions

"Accredited veterinarian" means a veterinarian who is licensed by the state in which he practices, is approved by the animal health authority of that state, and is accredited by the United States Department of Agriculture.

"Animal and Plant Health Inspection Service" means the Animal and Plant Health Inspection Service of the United States Department of Agriculture.

"Approved ear tag" means an ear tag that is tamper resistant, has been approved for use either by the U.S. Department of Agriculture or the

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Illinois Department of Agriculture, and conforms either with a nine digit alphanumeric system starting with "33" (the postal code for Illinois) followed by three letters and four numbers or with a three letter and four number system on one side and either "Illinois" or "IL" on the reverse side. Information concerning manufacturers of approved ear tags may be obtained from the Department.

"Approved health certificate" means one that has been so endorsed by the Animal Health Official of the state of origin.

"Approved laboratory" means one of the animal disease laboratories operated by the Department, the State-Federal Serology Laboratory, the Laboratories of Veterinary Diagnostic Medicine at the College of Veterinary Medicine, University of Illinois, or a laboratory approved by the Animal Health Official of the exporting state to conduct official tests.

"Auction market" means a licensed livestock facility (stockyard or livestock market under State and Federal veterinary supervision) where livestock are assembled and sold.

"Brucellosis" means the disease wherein an animal is infected with Brucella micro-organisms irrespective of the occurrence or absence of clinical signs.

"Certified Brucellosis-Free Herd" means one in which at least two annual negative official tests for brucellosis have been conducted on all animals in the herd 6 months of age or over and for which a certificate has been issued by the Animal Health Official of the state of origin and the Animal and Plant Health Inspection Service.

"Consignment" means a document issued by the owner or shipper of livestock, designating the name of the owner and/or shipper; place of origin; stockyard, auction market, or packing plant; or marketing center of destination; date of shipment; and number and description of livestock, certified to by the owner or shipper, kept in possession of the carrier and delivered to a stockyard, auction market, or packing plant; or marketing center of destination upon acceptance. This consignment shall be held by the stockyard, auction market, or packing plant; or marketing center for a period of not less than six months for inspection by the legally authorized officials of the United States Department of Agriculture and the Department and other officials having police powers.

"Contagious disease" means a specific infectious disease which is readily transmitted from host to host by direct contact or by means of intermediate hosts.

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"Department" or "Department of Agriculture", unless otherwise indicated, means the Department of Agriculture of the State of Illinois.

"Director" means the Director of the Illinois Department of Agriculture.

"Federal Inspector" means an Animal Health Technician employed by the Animal and Plant Health Inspection Service of the United States Department of Agriculture.

"Feeder female cattle" means female bovines of the beef breeds 6-18 months of age that have not been tested for brucellosis prior to sale.

"Feeder swine" or "feeding swine" means swine under four months of age, weighing less than 180 pounds and not requiring testing as breeding swine or swine consigned directly to slaughter.

"Health certificate" or "certificate of health" or "interstate health certificate" or "certificate of veterinary inspection" means a legible record, made on an official form of the state of origin, or the Animal and Plant Health Inspection Service, and issued by an accredited veterinarian of the state of origin, a veterinarian in the employ of the Animal and Plant Health Inspection Service, or a veterinarian in the employ of the United States Armed Services, which shows that the animals or birds listed thereon meet the health requirements of the state of destination. The health certificate shall contain the name and complete mailing address of the consignor, the name and complete mailing address of the consignee, and an accurate description or identification of the animals or birds involved, and shall also indicate the health status of the animals or birds, including the dates and results of required tests and dates of vaccination, if any. A health certificate is valid for 30 days after issuance, except when specific exemptions are made for exhibition livestock. The two copies of the health certificate that are labeled "Division Copy" shall be submitted to the Department within 30 days after issuance. No alteration of any type is allowed on a health certificate.

"Infected animal", "positive animal" or "reactor" means an animal which has given a positive reaction to any official test or in which evidence of the disease has been found in the body or in the body discharges, when the animal has been classified as such by a State or Federal epidemiologist.

"Infectious disease" means the reaction resulting from the introduction into the body of a specific disease-producing organism or its toxic product.

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"Infestation" or "infested with" means the invasion of the body by animal parasites.

"Market Cattle Identification Program" means the brucellosis testing program of market cattle that is part of the National Brucellosis Eradication Program (9 CFR 78 [1999]] [1998]], Incorporation by reference does not include any later amendments or editions beyond the date specified. In accordance with the authority stated in the Illinois Bovine Brucellosis Eradication Act [510 ILCS 30/2], the Department has entered into a cooperative agreement with the United States Department of Agriculture to identify brucellosis infected herds.

"Marketing Center" means an approved livestock facility (stockyard or livestock market under State and Federal veterinary supervision) where livestock are assembled and sold and that has been approved under 9 CFR 71.20 [1999]. ~~a licensed livestock auction market that has been designated as a "Specifically Approved Stockyard" by the Department and the United States Department of Agriculture (9 CFR 70.44- [1999])~~ Incorporation by reference does not include any later amendments or editions beyond the date specified. ~~Marketing Centers shall enter into a Memorandum of Understanding with the United States Department of Agriculture and the Department and comply with the standards set forth in that Memorandum.~~

"Negative exposed cattle" means a test negative animal in an infected herd.

"Official test" means any test for the detection of a reportable disease in Illinois as defined in 8 Ill. Adm. Code 85.10, approved by the Department and the Animal and Plant Health Inspection Service, which is based on a standard test that is approved by the American Association of Veterinary Laboratory Diagnosticians and the United States Department of Agriculture and conducted in an approved laboratory.

"Public stockyard" means a stockyard where trading in livestock is conducted, where yarding, feeding, and watering facilities are provided by the stockyard, transportation, or similar company, and where State and/or Federal inspection is maintained for the inspection of livestock for communicable disease, such as Peoria Union Stockyards located at Peoria.

"Quarantine" means a condition in which one or more animals shall be kept separate and apart from and not allowed to come in contact in any way with other animals.

"Recognized slaughtering establishment" means an establishment where

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slaughtering is conducted under Federal or State inspection.

"Restriction" or "restricted" means a condition in which one or more animals shall be kept on certain designated premises and shall not be allowed to come in contact in any way with animals from other premises.

"Ring test" or "brucellosis ring test (BRT)", means the diagnostic test of milk or cream to detect the presence of brucellosis in the herd in which such milk or cream sample was produced.

"State Inspector" means an Animal and Animal Products Investigator employed by the Illinois Department of Agriculture.

"Suspicious animal" or "suspect" means an animal that has given a positive reaction to an official test and whose test results are less than that which would result in a classification of reactor.

"Tuberculosis-free Accredited Herd" means one for which a certificate of accreditation has been issued by the Animal Health Official of the state of origin and the Animal and Plant Health Inspection Service.

(Source: Amended at 23 Ill. Reg. 8964 effective
JUL 29 1989)

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1) Heading of the Part: Attorney General's Procurement

2) Code Citation: 44 Ill. Adm. Code 1300

3) Section Numbers: Adopted Action:
1300.2010 Amendment
1300.2020

4) Statutory Authority: Public Act 90-572, section 1-30, effective July 1, 1998 [30 ILCS 500/1-30]

5) Effective Date of Rulemaking: July 28, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Does this rulemaking contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: April 30, 1999 23 Ill. Reg. 5204

10) Has JCAR issued a Statement of Objections to these amendments? No

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? No changes were necessary.

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: The amendments change from \$10,000 to \$25,000 the maximum value of a contract for goods or services which may be procured as a small purchase, exempt from competitive bidding.

16) Information and questions regarding these adopted amendments shall be directed to:

Shawn W. Denney
Senior Counsel to the Attorney General
Office of the Attorney General
500 South Second Street
Springfield, IL 62706
217/782-9002

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The full text of the adopted amendments begins on the next page:

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TITLE 44: GOVERNMENT CONTRACTS, PROCUREMENTS AND PROPERTY MANAGEMENT
SUBTITLE B: SUPPLEMENTAL PROCUREMENT RULES
CHAPTER XX: ATTORNEY GENERAL

PART 1300

ATTORNEY GENERAL'S PROCUREMENT

SUBPART A: GENERAL

Section	Title
1300.01	Title
1300.05	Policy
1300.08	Illinois Procurement Code
1300.10	Application
1300.15	Definitions of Terms Used in This Part
1300.25	Property Rights
1300.30	Contracts Necessary to Prepare for Anticipated Litigation

SUBPART B: PROCUREMENT RULES

Section	Procurement by DCMS Rules
1300.525	

SUBPART C: PROCUREMENT AUTHORITY

Section	Conduct of Procurements
1300.1002	
1300.1010	Construction

SUBPART D: PUBLICIZING PROCUREMENT ACTIONS

Section	Publicizing Procurement Actions
1300.1510	
1300.1560	Supplemental Notice
1300.1570	Error in Notice
1300.1580	Direct Solicitation

SUBPART E: SOURCE SELECTION AND CONTRACT FORMATION - GENERAL

Section	Source Selection and Contract Formation - General
1300.2005	General Provisions
1300.2010	Competitive Sealed Bidding
1300.2012	Multi-Step Sealed Bidding
1300.2015	Competitive Sealed Proposals
1300.2020	Small Purchases
1300.2025	Sole Source Procurement
1300.2030	Emergency Procurements
1300.2035	Competitive Selection Procedures

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1300.2036 Other Methods of Source Selection
 1300.2037 Tie Bids and Proposals
 1300.2038 Mistakes
 1300.2040 Cancellation of Solicitations; Rejection of Bids or Proposals

SUBPART F: SUPPLIERS, PREQUALIFICATION AND RESPONSIBILITY

SUBPART O: PREFERENCES

Section
 1300.2043 Suppliers
 1300.2044 Vendor List/Required Use
 1300.2045 Prequalification
 1300.2046 Responsibility

Section
 1300.4505 Procurement Preferences
 1300.4510 Resident Bidder Preference
 1300.4530 Correctional Industries
 1300.4535 Sheltered Workshops for the Disabled
 1300.4540 Gas Mileage
 1300.4545 Small Business

SUBPART G: BID, PROPOSAL AND PERFORMANCE SECURITY

SUBPART P: ETHICS

Section
 1300.2047 Security Requirements

Section

1300.5013 Conflicts of Interest
 1300.5015 Negotiations for Future Employment
 1300.5020 Exemptions
 1300.5030 Revolving Door
 1300.5035 Disclosure of Financial Interests and Potential Conflicts of Interest

SUBPART H: SPECIFICATIONS AND SAMPLES

SUBPART Q: CONCESSIONS

Section
 1300.2050 Specifications and Samples

Section
 1300.5310 Concessions

SUBPART I: CONTRACT TYPE

SUBPART R: COMPLAINTS, PROTESTS AND REMEDIES

Section
 1300.2055 Types of Contracts

SUBPART J: DURATION OF CONTRACTS

Section
 1300.2060 Duration of Contracts - General

Section
 1300.5510 Complaints Against Vendors
 1300.5520 Suspension
 1300.5530 Settlement and Resolution of Contract and Breach of Contract
 Controversies
 1300.5540 Violation of Law or Rule
 1300.5550 Protests

SUBPART K: CONTRACT MATTERS

SUBPART S: SUPPLY MANAGEMENT AND DISPOSITIONS

Section
 1300.2560 Prevailing Wage

Section
 1300.6010 Supply Management and Dispositions

SUBPART L: CONTRACT PRICING

SUBPART T: GOVERNMENTAL JOINT PURCHASING

Section
 1300.2800 All Costs Included

SUBPART N: REAL PROPERTY LEASES AND CAPITAL IMPROVEMENT LEASES

Section
 1300.4005 Real Property Leases and Capital Improvement Leases
 1300.4010 Renewal

SUBPART U: MISCELLANEOUS PROVISIONS OF GENERAL APPLICABILITY

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Section
 1300.7000 Severability
 1300.7010 Government Furnished Property
 1300.7015 Inspections
 1300.7020 Records and Audits
 1300.7025 Written Determinations
 1300.7030 No Waiver of Sovereign Immunity

AUTHORITY: Implementing and authorized by Section 1-30 of the Illinois Procurement Code [30 ILCS 525/1-30].

SOURCE: Adopted by emergency rule at 22 Ill. Reg. 12013, effective July 1, 1998, for a maximum of 150 days; adopted at 22 Ill. Reg. 15192, effective August 15, 1998, amended at 23 Ill. Reg. ~~8971-1~~ **8971-2**, effective July 23, 1999.

SUPPORT E: SOURCE SELECTION AND CONTRACT FORMATION-GENERAL

Section 1300.2010 Competitive Sealed Bidding

- a) Application

Competitive sealed bidding is the required method of source selection except as allowed by the Code and this Part. The provisions of this Section apply to every procurement required to be conducted by competitive sealed bidding.
- b) The Invitation for Bids
 - 1) Use. The Invitation for Bids is used to initiate a competitive sealed bid procurement.
 - 2) Content. The Invitation for Bids shall include, at a minimum, the following:
 - A) instructions and information to bidders concerning the bid submission requirements, including the time and date set for receipt of bids, the address of the office to which bids are to be delivered, the maximum time for bid acceptance by the State, and any other special information such as the time and place of any pre-bid conference;
 - B) the purchase description, evaluation factors, delivery or performance schedule, and such inspection and acceptance requirements as are not included in the purchase description; and
 - C) the contract terms and conditions, including warranty and bonding or other security requirements, as applicable.
 - 3) Incorporation by Reference. The Invitation for Bids may incorporate documents by reference provided that the Invitation for Bids specifies where such documents can be obtained.
- c) Bidding Time

Bidding time is the period of time between the date of notice or distribution of the Invitation for Bids and the time and date set for

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receipt of bids. In each case, bidding time will be set to provide bidders a reasonable time to prepare their bids. A minimum of 14 days shall be provided unless a shorter time is allowed in this Part.

d) Bidder Submissions

- 1) Bid Form. The Invitation for Bids shall provide a form that shall include space in which the bid price shall be inserted and that the bidder shall sign and submit along with all other necessary submissions.
- 2) Bid Samples and Descriptive Literature
 - A) Bid samples or descriptive literature may be required when it is necessary to evaluate required characteristics of the items bid.
 - B) Unsolicited bid samples or descriptive literature are submitted at the bidder's risk, may not be examined or tested, will not be deemed to vary any of the provisions of the Invitation for Bids, and may not be utilized by the vendor to contest a decision or understanding with the State.

e) Public Notice

- 1) Publication. Every procurement for goods and services in excess of \$25,000 ~~49686~~ that must be procured using an Invitation for Bids shall be publicized in the Illinois Procurement Bulletin.
- 2) Publication in the Bulletin may be supplemented by publication elsewhere at the discretion of the SPO. Examples include publication in:
 - A) the Official State Newspaper;
 - B) a newspaper of general circulation;
 - C) a newspaper of local circulation in the area pertinent to the procurement; or
 - D) industry media.
- 3) Public Availability. A copy of the Invitation for Bids shall be made available for public inspection.
- 4) Distribution. Invitations for Bids or Notices of Availability of Invitations for Bids may be mailed or otherwise furnished to a sufficient number of bidders for the purpose of securing competition. Notices of Availability shall indicate where Invitations for Bids may be obtained; generally describe the supply or service desired; and indicate the due date for bids; and may contain other appropriate information such as pre-bid conference data. Where appropriate, the CPO or SPO may require payment of a fee or a deposit for the supplying of the Invitation for Bids.
- f) Pre-Bid Conferences

Pre-bid conferences may be conducted to enhance understanding of the procurement requirements. They shall be announced to all prospective bidders known to have received an Invitation for Bids. The conference may be designated as attendance mandatory or attendance optional. The conference should be held long enough after the Invitation for Bids

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has been issued to allow bidders to become familiar with it, but sufficiently before bid opening to allow consideration of the conference results in preparation of bids. Nothing stated in the pre-bid conference shall change the invitation for bids unless a change is made by written amendment to the invitation for bids. Minutes of the conference shall be supplied to all those prospective bidders known to have received an invitation for bids. If the conference is mandatory, the minutes shall be supplied to attendees only.

g) Amendments to Invitations for Bids

1) Form. Amendments to Invitations for Bids shall be identified as such and shall require that the bidder acknowledge receipt of all amendments issued. The amendment shall reference the portions of the invitation for bids it amends.

2) Distribution. Amendments shall be sent to all prospective bidders known to have received an invitation for bids.

3) Timeliness. Amendments shall be distributed within a reasonable time to allow prospective bidders to consider them in preparing their bids. If the time and date set for receipt of bids will not permit such preparation, the amendment shall extend the response time. If necessary, the response time may be extended by fax or telephone and confirmed in the amendment.

h) Pre-opening Modification or Withdrawal of Bids

1) Procedure. Bids may be modified or withdrawn by written notice received in the office designated in the invitation for bids prior to the time and date set for bid opening. A fax modification or withdrawal, or withdrawal received by telephone prior to the time and date set for bid opening, will be effective if followed in writing.

2) Disposition of Bid Security. If a bid is withdrawn in accordance with this Section, the bid security, if any, shall be returned to the bidder.

3) Records. All documents relating to the modification or withdrawal of bids shall be made a part of the appropriate procurement file.

i) Receipt, Opening and Recording of Bids

1) Receipt. Upon its receipt, each bid and modification shall be time-stamped but not opened and shall be stored in a secure place until the time and date set for bid opening. If a bid is opened in error, the file shall so state.

2) Opening and Recording

A) Bids and modifications shall be opened publicly, in the presence of one or more witnesses, at the time, date, and place designated in the invitation for bids. The name of each bidder, the bid price, and such other information as is deemed appropriate by the CFO or SFO, shall be recorded and the name of each bidder read aloud or otherwise made available. The names of required witnesses shall also be

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recorded at the opening.

B) The winning bid shall be available for public inspection after award, along with the record of the other bids.

3) Confidentiality. The CFO or SFO shall examine the bids to determine the validity of any requests for nondisclosure of trade secrets and other proprietary data identified in writing. If the parties do not agree as to the disclosure of data or other information, the bid shall be rejected as nonresponsive.

3) Bid Evaluation and Award

1) General. The contract is to be awarded to the lowest responsible and responsive bidder whose bid meets the requirements and criteria set forth in the invitation for bids, except as permitted in this Section. The invitation for bids shall set forth the requirements and criteria that will be used to determine the lowest responsible bidder. No bid shall be evaluated for any requirements or criteria that are not disclosed in the invitation for bids.

2) Responsibility. Responsibility of prospective contractors is covered by Section 1300.2046 (Responsibility) of this Part.

3) Responsiveness. Section 15-85 of the Illinois Procurement Code defines responsive bidder as a person who has submitted a bid that conforms in all material respects to the invitation for bids:

A) Product or Service Acceptability. The invitation for bids shall set forth any evaluation criteria to be used in determining product or service acceptability. It may require the submission of bid samples, descriptive literature, technical data. It may also provide for information or material. It may also provide for accomplishing any of the following prior to award:

- i) inspection or testing of a product or service prior to award for such characteristics as quality or workmanship;
- ii) examination of such elements as appearance, finish, taste, or feel; or
- iii) other examinations to determine whether it conforms with any other purchase description requirements.

B) The acceptability evaluation is not conducted for the purpose of determining whether one bidder's product or service capability is superior to another, but only to determine that a bidder's offering is acceptable as set forth in the invitation for bids. Any bidder's offering which does not meet the acceptability requirements shall be rejected.

4) Determination of Lowest Bidder. Following determination of product or service acceptability as set forth in this subsection (j), bids will be evaluated to determine which bidder offers the lowest cost to the OAG in accordance with the evaluation criteria

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set forth in the Invitation for Bids. Only objectively measurable criteria that are set forth in the Invitation for Bids shall be applied in determining the lowest bidder. Examples of such criteria include, but are not limited to, transportation cost and ownership or life-cycle cost formulas. While evaluation factors need not be precise predictors of actual future costs, they should be, to the extent possible, reasonable estimates based upon information the OAG has available concerning future use and shall provide for equitable treatment of all bids. Pricing for optional goods or services or for renewal terms may be considered particularly when the pricing for such items or terms is unbalanced when compared to other pricing in the bid.

5) Price Negotiation. This Section permits negotiations with the low bidder to obtain a lower price for the item bid.

k) Documentation of Award

Following award, a record showing the successful bidder shall be made a part of the procurement file.

l) Award to Other Than Low Bidder.

The CPO or SPO may award to other than the lowest responsible and responsive bidder upon a written determination that award to another bidder is in the State's best interest. Factors used to determine the State's best interest include but are not limited to the quality of goods or services, responsibility of the bidder pursuant to Section 1300.2046 of this Part, any proposed conditions or options and preferences set forth at Subpart 0 of this Part. The name of the bidder selected, pricing, and the reasons for selecting this bidder instead of the low bidder must be published in the Bulletin.

m) Publicizing Award

The successful bidder shall be notified of award and such notification may be in the form of a letter, purchase order or other clear communication. In procurements over the small purchase limit set in Section 1300.2020 of this Part, notice of award shall be published in the Bulletin.

(Source: Amended at 23 Ill. Reg. 8971 effective JUL 28 1999)

Section 1300.2020 Small Purchases

a) Application

Procurements of less than \$25,000 \$49,000 for supplies or services, and less than \$20,000 for professional and artistic services contracts that are for a nonrenewable term of less than one year, may be made without notice, competition or use of any prescribed method of source selection.

b) In determining whether a contract is under the limit, the value of the contract for the full term and any optional renewals shall be utilized. The stated value of the goods or services, plus any

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optional goods and services, shall be utilized. Where the term is calculated month-to-month or in a similar fashion, the amount shall be calculated for a twelve month period.

c) Procurement requirements shall not be artificially divided to avoid using the other source selection methods set forth in Section 20-5 (Methods of Source Selection) of the Illinois Procurement Code or this Part.

d) If, after signing the contract, the actual need is determined to be greater than the small purchase amount identified in subsection (a) above \$49,000 or more, and the agency determines that procurement is not appropriate, the procedures for sole source or emergency procurement, whichever is applicable, must be complied with to obtain the additional supplies or services.

(Source: Amended JUL 28 1999 23 Ill. Reg. 8971 effective JUL 28 1999)

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENT(S)

1) Heading of the Part: Introduction and Definitions2) Code Citation: 35 Ill. Adm. Code 6513) Section Numbers: Adopted Action:

651.101

Amendment

651.102

Amendment

651.103

Amendment

651.104

4) Statutory Authority: Implementing and authorized by Sections 14 through 19 of the Environmental Protection Act (415 ILCS 5/14 through 19) (see P.A. 90-773).5) Effective Date of the Amendments: July 29, 19996) Does this rulemaking contain an automatic repeal date? No7) Does this rulemaking contain incorporations by reference? Yes8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.9) Notice of Proposal Published in the Illinois Register: 23 Ill. Reg. 4142, April 9, 1999.10) Has JCAR issued a State of Objection to these amendments? No11) Differences between the proposal and adopted version: The Agency made certain non-substantive editing changes to the text of these amendments in accordance with the recommendations of the Index Department, Administrative Code Division, Office of the Secretary of State and JCAR.

The Agency has made the following changes to this Part at the request of JCAR: In Section 651.102 Definitions, "AWWA Standards", the date "May 1984" was changed to "June 1999".

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements letter issued by JCAR? Yes13) Will these amendments replace an emergency amendment currently in effect? No14) Are there other proposed amendments pending on this Part? No15) Summary and purpose of amendments: The amendments to these rules provide

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NOTICE OF ADOPTED AMENDMENT(S)

the definitions for new public water supplies (PWS) that begin operation after October 1, 1999. Each new PWS must demonstrate technical, managerial, and financial capacity as mandated by the federal Safe Drinking Water Act (42 U.S.C. 300f (1996)) and Section 15 of the Illinois Environmental Protection Act (415 ILCS 5/15 (1998)). Additionally, these amendments update the introduction and definitions of 35 Ill. Adm. Code 651.101 and 651.102. The common reference to these rules of 35 Ill. Adm. Code 651 through 654 is changed from Agency Technical Policy Statements to Agency Rules for Public Water Supplies.

16) Information and questions regarding the adopted amendments should be directed to:

Lou Allyn Byus, Assistant Manager
Field Operations Section
Division of Public Water Supplies
Illinois Environmental Protection Agency
1021 North Grand Avenue East, P.O. Box 19276
Springfield, IL 62794-9276
(217) 782-1020

The full text of the adopted amendments begins on the next page:

ENVIRONMENTAL PROTECTION AGENCY

NOTICE OF ADOPTED AMENDMENT(S)

TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE F: PUBLIC WATER SUPPLIES

CHAPTER II: ENVIRONMENTAL PROTECTION AGENCY

PART 651

INTRODUCTION AND DEFINITIONS

Section

651.101 Introduction to Agency Rules for Public Water Supplies **Technical Policy-Statements**

651.102 Definitions

651.103 Other Terms

651.104 Metric System

AUTHORITY: Implementing and authorized by Sections 14 through 19 of the Environmental Protection Act [415 ILCS 5/14 through 19] (see P.A. 90-773).

SOURCE: Adopted December 30, 1974; amended at 2 Ill. Reg. 51, p. 219, effective December 17, 1978; rules repealed and new rules adopted and codified at 8 Ill. Reg. 8450, effective June 5, 1984; amended at 23 Ill. Reg. 8982, effective July 29, 1999.

Section 651.101 Introduction to Agency Rules for Public Water Supplies **Technical-Policy-Statements**

The Agency Rules for Public Water Supplies ~~these Technical-Policy-Statements~~ included in 35 Ill. Adm. Code ~~Parts 651 through 654~~ define the design, operational, and maintenance criteria established by the Agency pursuant to 35 Ill. Adm. Code 602.115 for ~~and explain administrative procedures and provide information to owners, operators and official custodians of community water supplies. The design, design-and operational, and maintenance criteria are defined and established explained for persons involved in the design, construction, maintenance or operation of community water supplies. Adoption of any amendment or substantive change to Agency Rules for Public Water Supplies must be in compliance with the provisions of the Illinois Administrative Procedure Act [5 ILCS 1001].~~ ~~the review of permit applications and other technical documents involves engineering judgement--these technical-policy Statements outline the factors on which this judgement shall be based.~~

(Source: Amended July 29, 1999 23 Ill. Reg. 8982 effective July 29, 1999)

Section 651.102 Definitions

In addition to these definitions, all definitions of the Illinois Environmental Protection Act [415 ILCS 5] and 35 Ill. Adm. Code 601 and 611 shall apply to the Agency Rules for Public Water Supplies ~~these Technical-Policy-Statements~~.

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"Act" means the Illinois Environmental Protection Act [415 ILCS 5].

"Agency" means the Illinois Environmental Protection Agency.

"Air gap" means the unobstructed vertical distance through the free atmosphere between the water discharge point and the flood level rim of the receptacle.

"Atmospheric vacuum breaker" means a device designed to admit atmospheric pressure into a piping system whenever a vacuum is caused on the upstream side of the device.

"AWWA Standards" means those standards published by the American Water Works Association as of June 1999 ~~May 1984~~.

"Board" means the Illinois Pollution Control Board.

"Capacity" means the ability to plan for, achieve and maintain compliance with applicable drinking water standards. Capacity has three components: technical, managerial and financial. Adequate capability in all three areas is necessary for a system to have "capacity".

"Capacity development" is the process of water systems acquiring and maintaining adequate technical, managerial, and financial capabilities to consistently provide safe drinking water. The federal Safe Drinking Water Act amendments of 1996 provide a framework for states and water systems to work together to ensure that systems acquire and maintain the technical, managerial and financial capacity needed to meet the Act's public health protection objectives. The definitions of technical, managerial, and financial capacities are as follows:

"Technical capacity" means the physical and operational ability of a water system to achieve and maintain federal drinking water requirements and State drinking water requirements as described in the Act and 35 Ill. Adm. Code: Subtitle F, Chapters I and II. Technical capacity means the physical infrastructure of the water system and includes but is not limited to adequacy of source water and treatment, storage and distribution components, as well as the ability of system personnel to adequately operate and maintain the system.

"Managerial capacity" means the ability of a water system to conduct its business in a manner that enables the system to achieve and maintain compliance with federal drinking water requirements and State drinking water requirements as described in the Act and 35 Ill. Adm. Code: Subtitle F, Chapters I and II. Managerial capacity includes the system's institutional and

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administrative capabilities, and is assessed using data documenting ownership accountability, staffing and organization, and effective external linkages with water customers, external resource agencies, and regulators.

"Financial capacity" means the ability of a water system to acquire and manage sufficient financial resources to enable the system to achieve and maintain compliance with federal drinking water requirements and State drinking water requirements as described in the Act and 35 Ill. Adm. Code: Subtitle F, Chapters I and II. Financial capacity includes revenue sufficiency, credit worthiness, and use of budgeting, accounting, and financial planning practices, as well as documentation of financial management through record keeping and revenue management.

"Chlorine" --

"Chlorine demand" means the difference between the amount of chlorine applied to a given water and the amount of total available chlorine remaining at the end of the contact period. All test conditions (contact time, pH and temperature) shall be given in expressing the chlorine demand in a given water.

"Combined chlorine" means the reaction product formed when chlorine has reacted with ammonia to form chloramines.

"Free chlorine" means the residual chlorine existing in water as the sum of hypochlorous acid and hypochlorite ion.

"Total chlorine" means the sum of the free chlorine and the combined chlorine.

"Cross-connection" --

"Cross-connection" means any physical connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other contains water of unknown or questionable safety or steam, gases or chemicals, if whereby there may be a flow from one system to the other.

"Direct cross-connection" means a cross-connection formed when a water system is physically joined to a source of unknown or unsafe substance.

"Indirect cross-connection" means a cross-connection formed when an unknown substance can be forced, drawn by vacuum or otherwise introduced into a safe water system.

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"DPD method" means an analytical method for determining chlorine residual utilizing the reagent DPD (N-diethyl-p-phenylenediamine).

"Effective external linkage" is the ability of a water system to communicate and exchange information with water customers, regulators, technical and financial assistance organizations, and other entities that routinely interact with the water system.

"Infrastructure" means all mains, pipes including water service lines, and structures through which water is obtained and distributed to the public, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended to be used for the purpose of furnishing water for drinking or general domestic use.

"Interconnection" means a physical connection between two or more community water supply systems.

"New public water supply" (new PWS) means, beginning after October 1, 1999, all new community water supplies and new non-transient non-community water supplies and those water supplies that expand their infrastructure to serve or intend to serve at least 25 persons at least 60 days per year. Any water system not currently PWS that adds persons so that the total served is 25 persons or more without constructing additional infrastructure will become a PWS, but will not be required to demonstrate capacity under 35 Ill. Adm. Code 652.701 unless the PWS is on restricted status as required by 35 Ill. Adm. Code 602.106.

"Properly certified operator" means an operator certified in accordance with the Public Water Supply Operations Act [415 ILCS 451 Ill.-Rev.-Stat.:1993; ch.-III-1/2, para.-591-et-seq.

"Public Water Supply" (PWS) means all mains, pipes and structures through which water is obtained and distributed to the public, including wells and well structures, intakes and cribs, pumping stations, treatment plants, reservoirs, storage tanks and appurtenances, collectively or severally, actually used or intended for use for the purpose of furnishing water for drinking or general domestic use and which serve at least 15 service connections or which regularly serve at least 25 persons at least 60 days per year. [Section 3.28 of the Act]

"Satellite supply" means any community water supply that which: purchases all finished water from another community water supply;

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does not provide any treatment other than chlorination; and distributes finished water to the consumers.

"Standards" means the Recommended Standards for Water Works as adopted by the Great Lakes-Upper Mississippi River Board of State Sanitary Engineers, 1982 edition.

"Water Service Lines" means any pipe from the water main or source of potable water supply that serves or is accessible to not more than one property, dwelling, or rental unit of the user. Each water service line must also meet the applicable requirements of 35 Ill. Adm. Code 651 through 654 and the applicable requirements of the Illinois Plumbing Code (77 Ill. Adm. Code 890).

(Source: Amended at 23 Ill. Reg. 8982 —, effective JUL 29 1999)

Section 651.103 Other Terms

Terms used in the Agency Rules for Public Water Supplies ~~Technical Policy Statements~~ and not specifically defined in Section 651.102 are in accordance with the Glossary-Water and Wastewater Control Engineering published jointly by the American Public Health Association, the American Society of Civil Engineers, the American Water Works Association and the Water Pollution Control Federation, 1981 edition.

(Source: Amended at 23 Ill. Reg. 3982 —, effective JUL 29 1999)

Section 651.104 Metric System

Although English measurements are used throughout the Agency Rules for Public Water Supplies ~~these Technical Policy Statements~~, equivalent measurements in the metric system are acceptable.

(Source: Amended at 23 Ill. Reg. 3982 —, effective JUL 29 1999)

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Permits
- 2) Code Citation: 35 Ill. Adm. Code 652
- 3) Section Numbers: Adopted Action:
652.111 Amendment
652.401 New Section
652.701 New Section
652.702 New Section
- 4) Statutory Authority: Implementing and authorized by Sections 14 through 19 of the Environmental Protection Act (415 ILCS 5/14 through 19)
- 5) Effective Date of Rulemaking: July 29, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register:
23 Ill. Reg. 4149, April 9, 1999
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Differences between proposal and final version: The Agency made certain non-substantive editing changes to the text of these amendments in accordance with the recommendations of the Index Department, Administrative Code Division, Office of the Secretary of State and JCAR.

The Agency has made the following changes to this Part at the request of JCAR: In Section 652.111(a)(2) Standards of Issuance, the "and" was deleted and the comma was reinstated. In addition, quotation marks were added to "standards", and "(as defined in 35 Ill. Adm. Code 651.102)" was added.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: The amendments to these rules establish the requirements for new public water supplies (PWS) that begin operation

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after October 1, 1999. Each new PWS must demonstrate technical, managerial, and financial capacity as mandated by the federal Safe Drinking Water Act (42 U.S.C. 300f (1996)) and Section 15 of the Illinois Environmental Protection Act (415 ILCS 5/15)((1998)).

- 16) Information and questions regarding these adopted amendments shall be directed to:

Lou Allyn Byus, Assistant Manager
Field Operations Section
Division of Public Water Supplies
1021 North Grand Avenue East, P.O. Box 19276
Springfield, IL 62794-9276
(217) 782-1020

The full text of the adopted amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE F: PUBLIC WATER SUPPLIES
CHAPTER 11: ENVIRONMENTAL PROTECTION AGENCY

PART 652
PERMITS

SUBPART A: CONSTRUCTION PERMITS

Section	Construction Permit Requirements
652.101	Submission of Plans and Specifications
652.102	Preliminary Plans
652.103	Supporting Data for Construction Permit Applications
652.104	Plans - General Layout
652.105	Specifications
652.106	Revisions to Plan Documents
652.107	Alterations
652.108	Filing of Applications and Final Action by Agency
652.109	Permit Application Review
652.110	Standards for Issuance
652.111	Duration of Permits
652.112	Permit Limitations
652.113	Right of Inspection
652.114	

SUBPART B: OPERATING PERMITS

Section	Operating Permit Requirements
652.201	Certified Operator or Registered Person
652.202	Projects Requiring Disinfection
652.203	Projects Not Requiring Disinfection
652.204	Partial Operating Permits
652.205	

SUBPART C: EMERGENCY PERMITS

Section	Permits Under Emergency Conditions
652.301	

SUBPART D: RESTRICTED STATUS AND CRITICAL REVIEW

Section	Basis of Restricted Status and Critical Review
652.401	Notification of Restricted Status or Critical Review Status
652.402	

SUBPART E: ALGICIDE PERMITS

Section

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652.501 Algalcide Permit Requirements
 652.502 Permit Applications
 652.503 Sampling

SUBPART F: AQUATIC PESTICIDE PERMITS

Section

652.601 Aquatic Pesticide Permit Requirements
 652.602 Permit Application Contents
 652.603 Permits Under Public Health Related Emergencies
 652.604 State Agency Programs
 652.605 Extension of Permit Duration

SUBPART G: PUBLIC WATER SUPPLY CAPACITY

Section

652.701 System Capacity
 652.702 Supporting Data for Public Water Supply Capacity Demonstration

AUTHORITY: Implementing and authorized by Sections 14 through 19 of the Illinois Environmental Protection Act [415 ILCS 5/14 through 19] (see PA 90-773).

SOURCE: Adopted December 30, 1974; amended at 2 Ill. Reg. 51, p. 219, effective December 17, 1978; rules repealed and new rules adopted and codified at 5 Ill. Reg. 2705, effective March 4, 1981; rules repealed and new rules adopted and codified at 8 Ill. Reg. 8407, effective June 5, 1984; amended at 23 Ill. Reg. 8080, effective JUL 29 1989.

SUBPART A: CONSTRUCTION PERMITS

Section 652.111 Standards for Issuance

- a) The Agency shall issue a construction permit if documents show that:
 - 1) the community water supply will be constructed, modified or operated so that it will not cause a violation of the Illinois Environmental Protection Act [415 ILCS 5] (the Act) or 35 Ill. Adm. Code: Subtitle F, Chapter I;
 - 2) construction will be in accordance with the these Agency Rules for Public Water Supplies [35 Ill. Adm. Code 651 through 654] (these Technical-Policy-Statements, the American Water Works Association (AWWA) Standards and the "Standards" as defined in 35 Ill. Adm. Code 651.1021; and
 - 3) notification of ownership pursuant to 35 Ill. Adm. Code 603.101 is on file.
- b) In case of conflict among the documents in (a)(2) above, the Agency Rules for Public Water Supplies these Technical-Policy-Statements shall be complied with.

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- c) The existence of a violation of the Act or a regulation will not prevent the issuance of a construction permit if:
 - 1) the applicant has been granted a variance from the regulation by the Illinois Pollution Control Board;
 - 2) the permit is for construction or installation of equipment to alleviate or correct a violation; or
 - 3) the permit application is for a water main extension to serve existing residences or commercial facilities where the permit applicant can show that those residences or commercial facilities are being served by a source of water of a quality or quantity which violates the finished water standards of 35 Ill. Adm. Code 611.604.

(Source: Amended at 23 Ill. Reg. 8080, effective JUL 29 1989.)

SUBPART D: RESTRICTED STATUS AND CRITICAL REVIEW

Section 652.401 Basis of Restricted Status and Critical Review

Pursuant to Section 39(a) of the Environmental Protection Act and 35 Ill. Adm. Code Section 652.111, the Agency shall not issue permits for water main extension construction where the water mains would extend an existing violation of the Environmental Protection Act, 35 Ill. Adm. Code: Subtitle F, Chapter I, or the these Agency Rules for Public Water Supplies Technical-Policy Statements.

(Source: Amended at 23 Ill. Reg. 8080, effective JUL 29 1989.)

SUBPART G: PUBLIC WATER SUPPLY CAPACITY

Section 652.701 System Capacity

Beginning after October 1, 1999, all new public water supplies must demonstrate technical, financial, and managerial capacity to ensure compliance with the applicable Federal and State drinking water standards of 35 Ill. Adm. Code: Subtitle F, Chapters I and II. The owner of the public water supply is responsible for demonstrating and maintaining capacity. Technical, financial, and managerial capacity shall be based on the following criteria:

- a) "technical capacity" means the physical and operational ability of a water system to achieve and maintain federal drinking water requirements and State drinking water requirements as described in the Act and 35 Ill. Adm. Code: Subtitle F, Chapters I and II. Technical capacity means the physical infrastructure of the water system and includes but is not limited to adequacy of source water and treatment, storage and distribution components, as well as the ability of system personnel to adequately operate and maintain the system.

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- b) "Managerial capacity" means the ability of a water system to conduct its business in a manner that enables the system to achieve and maintain compliance with federal drinking water requirements and State drinking water requirements as described in the Act and 35 Ill. Adm. Code: Subtitle F, Chapters I and II. Managerial capacity includes the system's institutional and administrative capabilities, and is assessed using data documenting ownership accountability, staffing and organization, and effective external linkages with customers, external resource agencies, and regulators.
- c) "Financial capacity" means the ability of a water system to acquire and manage sufficient financial resources to enable the system to achieve and maintain compliance with federal drinking water requirements and State drinking water requirements as described in the Act and 35 Ill. Adm. Code: Subtitle F, Chapters I and II. Financial capacity includes revenue sufficiency, credit worthiness, and use of budgeting, accounting, and financial planning practices, as well as documentation of financial management through record keeping and revenue management.

(Source: Added 20 1999 23 Ill. Reg. 89 89, effective _____)

Section 652.702 Supporting Data for Public Water Supply Capacity Demonstration

Each public water supply subject to the capacity requirements shall demonstrate technical capacity, managerial capacity, and financial capacity by submission of the following compliance records to the Agency.

- a) For technical capacity, each public water supply must demonstrate the following:
- 1) compliance with the standards for design, construction, and operation of public water supplies as required by 35 Ill. Adm. Code 602 and 651 through 654;
 - 2) selection of a source that is economically reasonable, reliable and adequate in quantity, and technically treatable to meet all proposed and existing State and federal drinking water standards, based upon an evaluation of potential sources of potable water;
 - 3) compliance with the ownership, certified operator, and responsible operator rules of 35 Ill. Adm. Code 603; and
 - 4) compliance with the applicable Federal and State drinking water standards of 35 Ill. Adm. Code: Subtitle F, Chapters I and II.
- b) Each public water supply must demonstrate managerial capacity by providing the following:
- 1) an organizational chart of the system that identifies responsible personnel, including both management and operational personnel;
 - 2) an operational management plan that:
 - A) describes operating procedures;
 - B) identifies the personnel responsible for operation and management of the system;

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- c) includes a description of the process to be used to identify and implement changes to current procedures; and
- d) identifies the process to be used to ensure that changes in responsible personnel are reported and implemented;
- 3) an emergency management plan that includes:
- a) identification of potential natural and human-caused risks to the water system;
 - b) identification of personnel responsible for response actions; notification procedures, and public press relations; and
 - c) measures for averting or avoiding emergencies and the means for implementing the emergency response plan; and
- 4) a training plan that assures on-going training participation by all personnel.
- c) Each public water supply must demonstrate financial capacity by submitting the following:
- 1) a budget developed for a five year period that includes, at a minimum, revenue income, operating expenses, capitalization expenses, reserves, capital improvements, and an emergency reserve fund;
 - 2) a description of income, investment and disbursement procedures and fiscal management reports that ensure adequate fiscal management; and
 - 3) a financial plan that projects growth, potable water demands, and regulatory compliance.

(Source: Added 20 1999 23 Ill. Reg. 89 89, effective _____)

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- 1) Heading of the Part: Riverboat Gambling
- 2) Code Citation: 86 Ill. Adm. Code 3000
- 3) Section Numbers: Adopted Action:
 3000.100 Amendment
 3000.614 Amendment
 3000.631 New Section
 3000.660 Amendment
- 4) Statutory Authority: Riverboat Gambling Act [230 ILCS 10]
- 5) Effective Date of Amendments: August 12, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the agency's principal office and available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: March 26, 1999; 23 Ill. Reg. 3538
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Differences between proposal and final version: No changes have been made and no public comment was received concerning this rulemaking.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will these adopted amendments replace emergency amendments currently in effect? No
- 14) Are there any amendments pending on this Part? Yes

Section Numbers	Proposed Action	Illinois Register Citation
3000.230	Amendment	July 16, 1999; 23 Ill. Reg. 7823
3000.232	New	July 16, 1999; 23 Ill. Reg. 7823
3000.235	Amendment	July 16, 1999; 23 Ill. Reg. 7823
3000.236	Amendment	July 16, 1999; 23 Ill. Reg. 7823
3000.237	New	July 16, 1999; 23 Ill. Reg. 7823
3000.500	Amendment	July 16, 1999; 23 Ill. Reg. 7823
3000.510	Amendment	July 16, 1999; 23 Ill. Reg. 7823
3000.1071	Amendment	July 16, 1999; 23 Ill. Reg. 7823

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- 15) Summary and Purpose of Amendments: These amendments allow riverboat casinos in Illinois to conduct table game tournaments and slot machine tournaments using specially designated poker chips and microprocessor components ("EPROMs"), respectively, approved by the Administrator. This will cause such tournaments to be conducted more uniformly, while still assuring integrity safeguards and avoiding adverse impact on tax revenues. The amendments also codify the Board's requirement of independent laboratory testing of all EPROMs used in slot machines.
- 16) Information and questions regarding these adopted amendments shall be directed to
 Sterling M. Ryder
 Deputy Chief Counsel
 Illinois Gaming Board
 101 West Jefferson Street
 Springfield, Illinois 62702
 (217)524-0226

The full text of the adopted amendments begins on the next page:

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TITLE 86: REVENUE
CHAPTER IV: ILLINOIS GAMING BOARDPART 3000
RIVERBOAT GAMBLING

SUBPART A: GENERAL PROVISIONS

Section	
3000.100	Definitions
3000.101	Invalidity
3000.102	Public Inquiries
3000.103	Organization of the Illinois Gaming Board
3000.104	Rulemaking Procedures
3000.105	Board Meetings
3000.110	Disciplinary Actions
3000.115	Records Retention
3000.120	Place to Submit Materials
3000.130	No Opinion or Approval of the Board
3000.140	Duty to Disclose Changes in Information
3000.141	Applicant/licensee Disclosure of Agents
3000.150	Owner's and Supplier's Duty to Investigate
3000.155	Investigatory Proceedings
3000.160	Duty to Report Misconduct
3000.161	Communication with Other Agencies
3000.165	Participation in Games by Owners, Directors, Officers, Key Persons or Gaming Employees
3000.170	Fair Market Value of Contracts
3000.180	Weapons on Riverboat

SUBPART B: LICENSES

Section	
3000.200	Classification of Licenses
3000.210	Fees and Bonds
3000.220	Applications
3000.221	Other Required Forms
3000.222	Identification and Requirements of Key Persons
3000.223	Disclosure of Ownership and Control
3000.224	Economic Disassociation
3000.225	Business Entity and Personal Disclosure Filings
3000.230	Owner's Licenses
3000.231	Distributions
3000.234	Acquisition of Ownership Interest By Institutional Investors
3000.235	Transferability
3000.236	Owner's License Renewal
3000.240	Supplier's Licenses
3000.241	Renewal of Supplier's License

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TITLE 86: REVENUE
CHAPTER IV: ILLINOIS GAMING BOARDPART 3000
RIVERBOAT GAMBLING

SUBPART C: OWNER'S INTERNAL CONTROL SYSTEM

Section	
3000.300	General Requirements - Internal Control System
3000.310	Approval of Internal Control System
3000.320	Minimum Standards for Internal Control Systems
3000.330	Review of Procedures (Repealed)
3000.340	Operating Procedures (Repealed)
3000.350	Modifications (Repealed)

SUBPART D: HEARINGS ON NOTICE OF DENIAL, RESTRICTION OF LICENSE OR
PLACEMENT ON EXCLUSION LIST

Section	
3000.400	Coverage of Subpart
3000.405	Requests for Hearings
3000.410	Appealances
3000.415	Discovery
3000.420	Motions for Summary Judgment
3000.424	Subpoena of Witnesses
3000.425	Proceedings
3000.430	Evidence
3000.431	Prohibition on Ex Parte Communication
3000.435	Sanctions and Penalties
3000.440	Transmittal of Record and Recommendation to the Board
3000.445	Status of Applicant for License or Transfer Upon Filing Request for Hearing

SUBPART E: EXCURSIONS

Section	
3000.500	Time of Excursion
3000.510	Excursions During Canceled or Disrupted Cruises; Violations and Fines

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SUBPART F: CONDUCT OF GAMING

Section	
3000.600	Wagering Only with Approved Chips, Tokens and Electronic Cards
3000.602	Disposition of Unauthorized Winnings
3000.605	Authorized Games
3000.606	Gaming Positions
3000.610	Publication of Rules and Payout Ratio for Live Gaming Devices
3000.614	Tournaments, Enhanced Payouts and Give-aways
3000.615	Payout Percentage for Electronic Gaming Devices
3000.616	Cashing-In
3000.620	Submission of Chips for Review and Approval
3000.625	Chip Specifications
3000.630	Primary, Secondary and Reserve Sets of Gaming Chips
3000.631	Tournament Chips
3000.635	Issuance and Use of Tokens for Gaming
3000.636	Distribution of Coupons for Complimentary Chips and Tokens
3000.640	Exchange of Chips and Tokens
3000.645	Receipt of Gaming Chips or Tokens from Manufacturer or Distributor
3000.650	Inventory of Chips
3000.655	Destruction of Chips and Tokens
3000.660	Minimum Standards for Electronic Gaming Devices
3000.665	Integrity of Electronic Gaming Devices
3000.666	Bill Validator Requirements
3000.670	Computer Monitoring Requirements of Electronic Gaming Devices

SUBPART G: EXCLUSION OF PERSONS

Section	
3000.700	Duty to Exclude
3000.710	Distribution and Availability of Exclusion Lists
3000.720	Criteria for Exclusion or Ejection and Placement on an Exclusion List
3000.725	Duty of Licensees
3000.730	Procedure for Entry of Names
3000.740	Petition for Removal from Exclusion List

SUBPART H: SURVEILLANCE AND SECURITY

Section	
3000.800	Required Surveillance Equipment
3000.810	Riverboat and Board Surveillance Room Requirements
3000.820	Segregated Telephone Communication
3000.830	Surveillance Logs
3000.840	Storage and Retrieval
3000.850	Dock Site Board Facility
3000.860	Maintenance and Testing

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SUBPART I: LIQUOR LICENSES

Section	
3000.900	Liquor Control Commission
3000.910	Liquor Licenses
3000.920	Disciplinary Action
3000.930	Hours of Sale

SUBPART J: OWNERSHIP AND ACCOUNTING RECORDS AND PROCEDURES

Section	
3000.1000	Ownership Records
3000.1010	Accounting Records
3000.1020	Standard Financial and Statistical Records
3000.1030	Annual and Special Audits and Other Reporting Requirements
3000.1040	Accounting Controls Within the Cashier's Cage
3000.1050	Procedures for Exchange of Checks Submitted by Gaming Patrons and Granting Credit
3000.1060	Handling of Cash at Gaming Tables
3000.1070	Tips or Gratuities
3000.1071	Admission Tax and Wagering Tax
3000.1072	Cash Reserve Requirements

SUBPART K: SEIZURE AND DISCIPLINARY HEARINGS

Section	
3000.1100	Coverage of Subpart
3000.1105	Duty to Maintain Suitability
3000.1110	Board Action Against License or Licensee
3000.1115	Complaint
3000.1120	Appearances
3000.1125	Answer
3000.1126	Appointment of Hearing Officer
3000.1130	Discovery
3000.1135	Motions for Summary Disposition
3000.1139	Subpoena of Witnesses
3000.1140	Proceedings
3000.1145	Evidence
3000.1146	Prohibition of Ex Parte Communication
3000.1150	Sanctions and Penalties
3000.1155	Transmittal of Record and Recommendation to the Board

AUTHORITY: Implementing and authorized by the Riverboat Gambling Act [230 ILCS 101].

SOURCE: Emergency rule adopted at 15 Ill. Reg. 11252, effective August 5, 1991, for a maximum of 150 days; adopted at 15 Ill. Reg. 18263, effective December 10, 1991; amended at 16 Ill. Reg. 13310, effective August 17, 1992;

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amended at 17 Ill. Reg. 11510, effective July 9, 1993; amended at 20 Ill. Reg. 5814, effective April 9, 1996; amended at 20 Ill. Reg. 6280, effective April 22, 1996; emergency amendment at 20 Ill. Reg. 8051, effective June 3, 1996, for a maximum of 150 days; amended at 20 Ill. Reg. 14765, effective October 31, 1996; amended at 21 Ill. Reg. 4642, effective April 1, 1997; emergency amendment at 21 Ill. Reg. 14566, effective October 22, 1997, for a maximum of 150 days; emergency amendment at 22 Ill. Reg. 978, effective December 29, 1997, for a maximum of 150 days; amended at 22 Ill. Reg. 4390, effective February 20, 1998; amended at 22 Ill. Reg. 10449, effective May 27, 1998; amended at 22 Ill. Reg. 17324, effective September 21, 1998; amended at 22 Ill. Reg. 19541, effective October 23, 1998; emergency amendment at 23 Ill. Reg. 8191, effective July 4, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. ~~8996~~ Aug 2, 1999, effective _____.

SUBPART A: GENERAL PROVISIONS

Section 3000.100 Definitions

For purposes of this Part the following terms shall have the following meanings:

"Act": The Riverboat Gambling Act. [230 ILCS 10.]

"Affiliate": An "Affiliate of", or person "Affiliated with", a specified person shall mean a person that directly, or indirectly through one or more intermediaries, controls, or is controlled by, or is under common control with, such person.

"Alcoholic Liquors": Includes alcohol, spirits, wine and beer, and every liquid or solid, patented or not, containing alcohol, spirits, wine or beer, and capable of being consumed as a beverage by a human being.

"Attributed Interest": A direct or indirect interest in a Business Entity deemed to be held by a person not through the person's actual holdings but either through the holdings of the person's relatives or through a third party or parties on behalf of the person pursuant to a plan, arrangement or agreement.

"Bill Validator": Any electro-mechanical device attached either on or into an Electronic Gaming Device which accepts and analyzes the legitimacy of United States currency, validates the currency, stores the currency, and issues Electronic Credits equal to the value of currency inserted into the device.

"Board": The Illinois Gaming Board.

"Business Entity": A partnership, incorporated or unincorporated

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association or group, firm, corporation, limited liability company, partnership for shares, trust, sole proprietorship or other business enterprise.

"Chip": A non-metal or partly metal representative of value, redeemable for cash, and issued and sold by a holder of an Owner's license for use in Gaming other than in Electronic Gaming Devices on such holder's Riverboat or Riverboats.

"Chip Float": The difference between the total face value of Chips received from vendors and the total face value of Chips accounted for through an inventory conducted by the Riverboat Gaming Operation.

"Dependent": Any individual who received over half of his support in a calendar year from any other individual.

"Electronic Card": A card purchased from a holder of an Owner's license for use on that holder's Riverboat Gaming Operation as a substitute for Tokens in the conduct of gaming on an Electronic Gaming Device.

"Electronic Credit": A value owed to a patron on an Electronic Gaming Device.

"Electronic Gaming Device": Includes as approved Games under Section 3000.605 Single-Position Reel-Type, Single-Position Single-Game Video and Single-Position Multi-Game Video Electronic Gaming Devices.

"Electronic Gaming Device Drop": The total face value of Tokens or representations of Tokens (including without limitation foreign Tokens and slugs) collected from the drop bucket and United States currency collected from the Bill Validator drop box.

"Electronic Gaming Device Win": The Electronic Gaming Device Drop minus hand-paid Jackpots minus hopper fills.

"EPROM": An acronym for Erasable, Programmable, Read Only Memory, which is a microprocessor component that stores memory and affects payout percentage and/or contains a random number generator that selects the outcome of a Game on an Electronic Gaming Device.

"Excluded Person": Any person whose name appears on any Exclusion List, or any person whose name does not appear on an Exclusion List but who is excluded or ejected pursuant to Section 5(c)(12) of the Act or as a result of meeting one or more of the criteria in Section 3000.720 of this Part.

"Exclusion List": A list or lists which contain the identities of

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persons who are to be excluded or ejected from any licensed Gaming operation in any jurisdiction. The list may include any person whose reputation or conduct is such that his presence within a Riverboat Gaming Operation may, in the opinion of the Board or the Administrator, call into question the honesty or integrity of the Gaming operation or pose a threat to the interests of the State of Illinois.

"Game": A gambling activity which is played for money, property, or anything of value, including without limitation those played with cards, Chips, Tokens, dice, implements, or electronic, electrical, or mechanical devices or machines.

"Gaming": The dealing, operating, carrying on, conducting, maintaining or exposing for play of any Game.

"Gaming Equipment/Supplies": A machine, mechanism, device, or implement which is integral to the operation of a Game or affects the result of a Game by determining win or loss, including without limitation: electronic, electrical, or mechanical devices or machines; cards or dice; layouts for Live Gaming devices; any representative of value used with any Game, including without limitation Chips, Tokens, or Electronic Cards; and hardware and software related to any item described herein.

"Gaming Operations Manager": A person or business entity other than the holder of an Owner's license who has the ultimate responsibility to manage, direct or administer the conducting of Gaming.

"Hand": Either one Game in a series, one deal in a card Game, or the cards held by a player.

"Indirect Interest": An interest in a Business Entity that is deemed to be held by the holder of an Owner's license not through the holder's actual holdings in the business entity but through the holder's holdings in other business entities.

"Institutional Investor": A "qualified institutional buyer" as defined by Securities and Exchange Commission Rule 144A (17 CFR 230.144A) under the Securities Act of 1933, as amended.

"Internal Control System": Proprietary internal procedures and administration and accounting controls designed by the holder of an Owner's license for the purpose of exercising control over the Riverboat Gaming Operation.

"Junketeer": A person or entity that facilitates a patron's participation in gaming at a Riverboat Gaming Operation and is

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compensated, not as an employee but as an independent contractor, by that Operation based upon how much the patron actually wagers or loses.

"Key Person": A person identified by the Board under Section 3000.222 as subject to regulatory approval as a Person able to control, or exercise significant influence over, the management, assets, or operating policies of an owner or supplier licensee.

"Live Gaming Device": Any apparatus, other than an Electronic Gaming Device, upon which Gaming is conducted or which determines an outcome which is the object of a wager. This definition includes but is not limited to roulette wheels, keno machines, punchboard tickets and tables with layouts utilized in Games approved by the Board.

"Marketing Agent": A person or entity, other than a junketeer or an employee of a Riverboat Gaming Operation, who is compensated by the Riverboat Gaming Operation in excess of \$100 per patron per trip for identifying and recruiting patrons.

"Non-Value Chip": A Chip, clearly and permanently impressed, engraved or imprinted with the name of the Riverboat Gaming Operation, but bearing no value designation.

"Notice of Board Action": A Notice of Denial, Restriction, Suspension, Revocation, Nonrenewal, Fine, Exclusion or other action issued by the Board.

"Parent Company": A "parent company" of a specified person is an affiliate controlling such person directly, or indirectly through one or more intermediaries.

"Payout": Winnings earned on a wager.

"Person": "Person" includes both individuals and Business Entities.

"Petitioner": An applicant, licensee, or Excluded Person who requests a hearing upon issuance of a Notice of Board Action.

"Progressive Controller": The hardware and software that controls all communications among the machines within a progressive Electronic Gaming Device link and its associated progressive meter.

"Progressive Jackpot": An award for winning play in a Game, the value of which is determined by the contribution of a portion of each Wager placed into play or the combined amount of several wagers linked to a common jackpot award.

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"Relative": Spouse, parents, grandparents, children, siblings, uncles, aunts, nephews, nieces, fathers-in-law, and mothers-in-law, sons-in-law, daughters-in-law, brothers-in-law, and sisters-in-law, whether by the whole or half blood, by marriage, adoption or natural relationship, and Dependents.

"Riverboat Gaming Operation": The owner licensee, Gaming Operations Manager, or, as the context requires, the conducting of Gaming and all related activities, including without limitation the purveying of food, beverages, retail goods and services, and transportation, on a Riverboat and at its Support Facilities.

"Signature": The definitive identity of an individual specific EPROM chip, determined by electronic analysis and reflective of the EPROM chip's game behavior capability.

"Substantial Owner": A person who has an ownership interest of 25% or more in a Business Entity.

"Supplier": Either a Gaming Operations Manager or a provider of Gaming Equipment, Gaming Equipment maintenance or repair services, security services or lessor of a Riverboat or dock facilities or a provider of any goods or services where payment is calculated by a percentage of a Riverboat Gaming Operation's revenues.

"Support Facility": A place of business which is part of, or operates in conjunction with, a Riverboat Gaming Operation and is owned in whole or in part by a holder of an Owner's or Supplier's license or any of their Key Persons, including without limitation Riverboats, offices, docking facilities, parking facilities, and land-based hotels or restaurants.

"Table Drop": The total amount of cash or cash equivalents contained in the drop box for Chips purchased at a Live Gaming Device.

"Table Win": The dollar amount won by the holder of an Owner's license through play at a live Game which is the total of the Table Drop plus ending Chip inventory plus credits minus opening Chip inventory minus fills.

"Theoretical Payout Percentage": The percentage of Tokens wagered which will be returned to players by an Electronic Gaming Device.

"Token": A metal representative of value, redeemable for cash only at the issuing Riverboat Gaming Operation, and issued and sold by a holder of an Owner's license for use in Gaming.

"Token Dispenser": Any mechanical or electrical device designed for

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the purpose of dispensing an amount of Tokens equal to the amount of currency inserted into the device.

"Token Float": The difference between the total face value of Tokens received from vendors and the total face value of Tokens accounted for through an inventory conducted by the Riverboat Gaming Operation.

"Tournament EPROM": A specially designed EPROM with a mode of play that provides for a mathematically demonstrable payout of more than 100 percent.

"Value Chip": A Chip, clearly and permanently impressed, engraved or imprinted with the name of the Riverboat Gaming Operation and the specific value of the Chip.

"Wager": A sum of money or thing of value risked.

(Source: Amended 9/9/90, 23 Ill. Reg. ~~89-9-6~~ effective AUG 1, 1999)

SUBPART F: CONDUCT OF GAMING

Section 3000.614 Tournaments, Enhanced Payouts and Give-aways

a) For purposes of this Section, the following terms shall have the following meanings:

- 1) Enhanced Payout: An event sponsored by a Riverboat Gaming Operation wherein Gaming patrons participate in a Game or an approved variation of a Game and thereby qualify for receiving, upon a specified outcome in such Game, a payment or thing of value in excess of payouts contained in the Internal Control System or as displayed on the Gaming Device. The cost of such excess payment or thing of value may be subtracted from Gross Receipts in Determining Adjusted Gross Receipts.
- 2) Tournament: A contest sponsored by a Riverboat Gaming Operation wherein patrons play or wager on a Game or Games and of the Riverboat Gaming Operation are assessed an entry fee--to-play--a Game--or--Games--wherein the patrons are required to wager--at the Game--or--Games--and wherein winning patrons receive, separate from any applicable winnings from wagers, prizes that include the total of any ~~exit~~ such entry fees to the contest and which may--be increased--with cash or non-cash prizes offered by from the Riverboat Gaming Operation in conjunction with the contest. The cost of any cash or non-cash prizes and added-to-the entry fees for a Tournament may not be subtracted from Gross Receipts in determining Adjusted Gross Receipts.
- 3) Give-away: A Game where patron entry to the Game is determined by attendance on a riverboat or the attainment of a certain

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outcome or an accumulation of points/credits on a Gaming Device. The cost of prizes paid in a Give-away may not be subtracted from Gross Receipts in Determining Adjusted Gross Receipts.

- b) Tournaments, Enhanced Payouts or Give-aways may only be conducted when:

1) Documented in the Internal Control System of the holder of an Owner's License;

2) In conformance with the Act, this Part and the Internal Control System; and

- c) Approved by the Administrator.
The Internal Control System provisions for the conduct of Tournaments, Enhanced Payouts or Give-aways involving Gaming shall be submitted by the holder of an Owner's License pursuant to Sections 3000.300 through 3000.320.

- d) Requests for the conduct of specific Tournaments, Enhanced Payouts and Give-aways involving Gaming must be received in writing by the Administrator at least 14 days prior to the proposed date of implementation.

(Source: Amended Aug 12 1999 23 Ill. Reg. 8996 effective Aug 12 1999)

Section 3000.631 Tournament Chips

The Administrator may authorize a Riverboat Gaming Operation to possess a set of Chips, separate from required Value and Non-Value Chips, for use in a Tournament as authorized in Section 3000.614.

- a) The Internal Control System of the Riverboat Gaming Operation shall prescribe the procedures for the receipt, storage, use, accounting and destruction of a set of Chips solely for use in a Tournament.

- b) Chips approved under this Section 3000.631 shall be of a design and of such color, quality and denomination as the Administrator determines to be consistent with accounting, surveillance and security requirements of the Board, in consideration of the limited use intended for such Chips.

- c) A set of Chips approved by the Administrator for use in a Tournament may only be used in a Tournament and may not, in any instance, be redeemed as Value Chips or used in any Game, other than in an approved Tournament.

- d) Nothing in this Section shall preclude the use of Value Chips in a Tournament, except that Value Chips and a set of Chips approved under this Section solely for use in a Tournament may not be utilized in the same Tournament.

(Source: Added, at, 23 Ill. Reg. 8996 effective Aug 12 1999)

Section 3000.660 Minimum Standards for Electronic Gaming Devices

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- a) Electronic Gaming Devices shall pay out a mathematically demonstrable percentage of all amounts wagered, which must not be less than 80%, nor more than 100% unless otherwise approved by the Administrator. Electronic Gaming Devices that may be affected by player skill must meet this standard when using a method of play that will provide the greatest return to the player over a period of continuous play.

- b) Electronic Gaming Devices shall:

1) Be controlled by a microprocessor or the equivalent;

2) Be compatible to on-line data monitoring;

3) Contain an EPROM that has been approved by the Administrator subsequent to a review of the EPROM by an independent laboratory designated by the Administrator.

4) Have a separate locked internal enclosure within the device for the circuit board containing the EPROM;

5) Be able to continue a Game with no data loss after a power failure;

6) Have previous and current Game data recall;

7) Have a random selection process that must not produce detectable patterns of Game elements or detectable dependency upon any previous Game outcome, the amount wagered, or upon the style or method of play;

8) Clearly display applicable rules of play and the payout schedule;

9) Display an accurate representation of each Game outcome. After selection of the Game outcome, the Electronic Gaming Device must not make a variable secondary decision which affects the result shown to the player;

10) Have a complete set of nonvolatile meters including Tokens-in, Tokens-out, Tokens dropped and jackpots paid;

11) Make available for random selection at the initiation of each play each possible permutation or combination of Game elements which produce winning or losing Game outcomes; and

12) Not automatically alter pay-tables or any function of the Electronic Gaming Device based on internal computation of the hold percentage.

- c) When an Electronic Gaming Device is unable to drop sufficient Tokens for payment of jackpots requiring the payment to be made by the Riverboat, jackpot payout tickets must be prepared containing the following information:

1) The location of the Electronic Gaming Device;

2) The date;

3) The time of day;

4) The Electronic Gaming Device number;

5) The amount of the jackpot payout in numeric form if the ticket is machine generated, or in written and numeric form if the ticket is prepared manually;

6) The signature of the holder of an Owner's license or Riverboat Gaming Operation employee making the payment; and

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- 7) A signature of at least one other Riverboat Gaming Operation employee attesting to the accuracy of the form.
- d) Electronic Gaming Devices linked to any Progressive Jackpot system shall meet the following specifications:
- 1) The value of a Progressive Jackpot shall be clearly displayed above the interlinked Electronic Gaming Devices, and metered incrementally by a Progressive Controller. Any Electronic Gaming Device that offers a Progressive Jackpot, or that is linked to a Progressive Jackpot, must prominently display a manufacturer-supplied glass indicating either that a Progressive Jackpot is to be paid or indicating the current amount of the jackpot. All Electronic Gaming Devices linked and contributing to a common Progressive Jackpot shall have the same probability of hitting the combination that will award the Progressive Jackpot;
 - 2) A Progressive Jackpot may be transferred to another progressive Electronic Gaming Device at the same location in the event of a device malfunction or replacement, with approval of the Administrator;
 - 3) A holder of an Owner's license may impose a limit on the Progressive Jackpot of Electronic Gaming Devices which are linked to any Progressive Controller;
 - 4) No Progressive Jackpot indicator shall be cancelled or turned back to a lesser amount unless one of the following circumstances occurs:
 - A) The amount shown on the progressive meter is paid to a player as a jackpot;
 - B) It becomes necessary to adjust the progressive meter to prevent the jackpot indicator from displaying an amount greater than the limit imposed by the Riverboat Gaming Operation pursuant to subsection (d)(3) of this Section; and
 - C) It becomes necessary to change the jackpot indicator because of an Electronic Gaming Device malfunction, in which case such malfunction and adjustment must be recorded by appropriate Electronic Gaming Device monitoring on-line data system;
 - 5) A holder of an Owner's license who is liable for payment of a Progressive Jackpot must secure the amount of same by a cash deposit, a performance bond, or a security instrument nationally recognized in the Gaming Industry. The Administrator must approve all deposits, bonds, or other instruments, and the security instrument must be secured in a method approved by the Administrator.
 - e) The Administrator may approve, for use in a Tournament involving Electronic Gaming Devices, a Tournament EPROM subject to the following requirements:
 - 1) The Tournament EPROM has been tested and approved for use as may be required by the Administrator.

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- 2) The installation, use and secure storage of the Tournament EPROM is provided for in the Internal Control System of the Riverboat Gaming Operation.
- 3) The Tournament EPROM is installed and removed from an Electronic Gaming Device only in the presence of a Board agent.
- 4) An Electronic Gaming Device is rendered unavailable for wagering or play, except in the conduct of a Tournament, when a Tournament EPROM is installed in the Electronic Gaming Device.
- 5) As applicable, the Administrator has waived or modified the data reporting and monitoring requirements of Section 3000.670 so as to prevent inapplicable Tournament payout information from being used in the calculation of Adjusted Gross Receipts.
- 6) Patrons engaging in a Tournament have been given proper information as to the effect that play with a Tournament EPROM has on the rules of play and the payout information that is posted on Electronic Gaming Devices used in the Tournament.

(Source: Amended at 23 Ill. Reg. 8996, effective AUG 12 1989)

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1) Heading of the Part: Cock Pheasant, Hungarian Partridge, Bobwhite Quail and Rabbit Hunting

2) Code Citation: 17 Ill. Adm. Code 530

3) Section Numbers: Adopted Action:

530.70 Amendments
530.80 Amendments
530.90 Amendments
530.100 Amendments
530.105 Amendments
530.110 Amendments
530.115 Amendments

4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code [520 ICS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29].

5) Effective Date of Amendments: July 28, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: April 23, 1999, 23 Ill. Reg. 4617

10) Has JCRR issued a Statement of Objections to these amendments? No

11) Differences between proposal and final version:

530.80(a)(4) - Language which was stricken was put back in - with the exception of "the".

530.80(d)(4) - Language being stricken "Lee County Conservation Area" was put back in.

530.80(j)(8) - "and Lee County Conservation Area (Green River)" was added at the end of the sentence.

530.100(i) - "g" was changed to "and". 530.105(d) and (f)(3) - a hyphen was added between "Johnson" and "Saut".

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530.110(b)(3) -

Freeman Mine - deleted the comma following "season".

Green River - changed dates to read "November 8, 10, 12, 15, 17, 22, 24, 26, 29 and December 6, 8, 10, 13, 15, 17, 20, 22, 24, 27, 29, 31".

Site M - deleted comma following "season" and changed comma following "25" to a semi-colon.

12) Have all the changes agreed upon by the agency and JCRR been made as indicated in the agreements issued by JCRR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: This Part was amended to comply with mandated federal changes regarding controlled hunting areas and to bring new sites into the program for increased public hunting opportunities. Changes include opening/closing sites to hunting, updating regulations, changing shot size and type to be used and revising hunting dates.

16) Information and questions regarding these adopted amendments shall be directed to:

Jack Price
Department of Natural Resources
524 S. Second Street, Room 430
Springfield IL 62701-1787
217/782-1809

The full text of the adopted amendments begins on the next page:

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TITLE 17: CONSERVATION

CHAPTER I: DEPARTMENT OF NATURAL RESOURCES

SUBCHAPTER B: FISH AND WILDLIFE

PART 530

COCK PHEASANT, HUNGARIAN PARTRIDGE, BOBWHITE QUAIL,
AND RABBIT HUNTING

Section	
530.10	Statewide General Regulations
530.20	Statewide Cock Pheasant, Hungarian Partridge, Bobwhite Quail, and Cottontail and Swamp Rabbit Regulations
530.30	Statewide Hungarian Partridge Regulations (Repealed)
530.40	Statewide Bobwhite Quail Regulations (Repealed)
530.50	Statewide Rabbit Regulations (Repealed)
530.60	Statewide Crow Regulations (Repealed)
530.70	Controlled Pheasant Hunting Sites Permit Requirements
530.80	Controlled Pheasant Hunting Regulations
530.90	Illinois Youth Pheasant Hunting Sites Permit Requirements
530.100	Illinois Youth Pheasant Hunting Regulations
530.105	Regulations for Pea Hunting of Pheasant, Hungarian Partridge, Quail and Rabbit at Controlled Daily Drawing Pheasant Hunting Sites
530.110	Regulations for Non-Fee Hunting of Cock Pheasant, Hungarian Partridge, Quail, and Rabbit at Various Department-Owned or -Managed Sites
530.115	Regulations for Hunting by Falconry Methods at Various Department-Owned or -Managed Sites
530.120	Regulations for Hunting Crow at Various Department-Owned or -Managed Sites (Repealed)

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.27, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29].

SOURCE: Adopted at 5 Ill. Reg. 8777, effective August 25, 1981; codified at 5 Ill. Reg. 10634; amended at 6 Ill. Reg. 10667, effective August 20, 1982; amended at 7 Ill. Reg. 10755, effective August 24, 1983; amended at 8 Ill. Reg. 21574, effective October 23, 1984; amended at 9 Ill. Reg. 15846, effective October 8, 1985; amended at 10 Ill. Reg. 15579, effective September 16, 1986; emergency amendment at 10 Ill. Reg. 18822, effective October 16, 1986, for a maximum of 150 days; emergency expired March 15, 1987; amended at 11 Ill. Reg. 10546, effective May 21, 1987; amended at 12 Ill. Reg. 12016, effective July 7, 1988; amended at 13 Ill. Reg. 12796, effective July 21, 1989; emergency amendment at 13 Ill. Reg. 12985, effective July 31, 1989, for a maximum of 150 days; emergency expired December 28, 1989; amended at 13 Ill. Reg. 17348, effective October 27, 1989; amended at 14 Ill. Reg. 10775, effective June 20, 1990; emergency amendment at 14 Ill. Reg. 18324, effective October 29, 1990,

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for a maximum of 150 days; emergency expired March 28, 1991; amended at 15 Ill. Reg. 9824, effective June 24, 1991; emergency amendment at 15 Ill. Reg. 16124, effective October 25, 1991, for a maximum of 150 days; emergency expired March 23, 1992; amended at 15 Ill. Reg. 18136, effective December 6, 1991; amended at 16 Ill. Reg. 12470, effective July 26, 1992; amended at 16 Ill. Reg. 18951, effective December 1, 1992; amended at 17 Ill. Reg. 15534, effective September 10, 1993; amended at 18 Ill. Reg. 12628, effective August 9, 1994; amended at 19 Ill. Reg. 12615, effective August 29, 1995; recodified by changing the agency name from Department of Conservation to Department of Natural Resources at 20 Ill. Reg. 9389; amended at 20 Ill. Reg. 12397, effective August 30, 1996; amended at 21 Ill. Reg. 9042, effective June 26, 1997; amended at 22 Ill. Reg. 14762, effective August 3, 1998; amended at 23 Ill. Reg. 9012, effective July 28 1999 --.

Section 530.70 Controlled Pheasant Hunting Sites Permit Requirements

a) Applicants must contact the Department of Natural Resources (Department or DNR) to obtain a permit reservation. (However, for Wayne Fitzgerald, Silver Springs State Park, Ramsey Lake State Park, Horseshoe Lake State Park (Madison County) and Chain O'Lakes State Park and ~~fee-county-conservation-area-green-river~~, applicants must contact the concessionaire. Should the concessionaire, for any reason, fail to operate the concession, applicants must contact DNR.) Starting dates and methods for making reservations will be publicly announced. Only applications for reservations submitted by Illinois residents will be processed during the first two weeks of the application period. Reservations will be confirmed.

b) Permits will be issued until the daily quota is filled. The daily quota is determined by the formula one hunter per 10 to 80 huntable acres. Huntable acres are determined by, but not limited to, the biological studies on the number of the species available, the condition, topography, and configuration of the land at the site, the condition of the roads at the site, and the number of employees available to work at the site.

c) For all DNR operated sites except Site M and Sand Ridge the permit authorizes the permit holder to bring one hunting partner. (The hunting partner cannot hunt without the permit holder being present to hunt.) At Site M and Sand Ridge the permit is valid for the permit holder only. The Springfield Permit Office cannot transfer or alter reservations to change hunting areas, dates or hunters' names. For all DNR operated sites except Site M, Sand Ridge and Wayne Fitzgerald, permits cannot be transferred on the hunting areas. The fee for transferred permits cannot exceed the fee in the Wildlife Code for daily usage stamps for Public Hunting Grounds for Pheasants. For other information write to:

Illinois Department of Natural Resources
Pheasant

DEPARTMENT OF NATURAL RESOURCES

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524 South Second St., Room 210

P.O. Box 19457

Springfield, Illinois 62794-9457

- d) Reservations for pheasant hunting will be issued from the Springfield Permit Office for Des Plaines Conservation Area, Eldon Hazlet State Park (Carlyle Lake), Iroquois County Conservation Area and Moraine View State Park.
- e) At Site M and Sand Ridge reservations for the controlled hunting area will be issued from the site headquarters.

(Source: Amendment 3012 Ill. Reg. 3012 effective 2/8/99)

Section 530.80 Controlled Pheasant Hunting Regulations

- a) The controlled hunting season is the first Wednesday of November November-4-1998 through the next following January 3 January-3-1999, both dates inclusive, with the following exceptions:

- 1) All areas shall be closed to pheasant permit hunting on every Monday and Tuesday during the controlled hunting season and on December 25. With authorization from the Director, controlled pheasant hunting may be scheduled on Monday and Tuesday on DNR operated areas.
- 2) All areas are open to the Illinois Youth Pheasant Hunting Program only on November 7 8 (except at the Richland County Controlled Pheasant Hunting Area where the Illinois Youth Pheasant Hunt will be November 21 22 and except at Silver Springs and Ramsey Lake where a Youth Pheasant Hunting Program will not be held).
- 3) The controlled hunting season on the Des Plaines Conservation Area is closed during the November 3-day firearm deer season.
- 4) The controlled hunting season on the Lee County Conservation Area (Green River), Silver Springs State Park, Horseshoe Lake State Park (Madison County), Chain O'Lakes State Park and Ramsey Lake State Park will be publicly announced.
- 5) The controlled hunting season on the Site M Controlled Unit is the first Saturday in November through the next following January 15 November-17-1998 through January-15-1999, except closed to controlled hunting on the November firearm deer season and on Wednesday through Sunday during the December firearm deer season November-20-22 and December-2-6.
- 6) The controlled hunting season on the Iroquois County Conservation Area is the first Wednesday of November 4 through the next following December 19 20, 1997 except closed during the November 3-day firearm deer season.
- 7) The controlled hunting season on Sand Ridge State Forest is the first Saturday of November 7-1998 through the next following January 15-1999.

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- b) Hunting hours are from 9:00 a.m. to 4:00 p.m. (except on Thanksgiving Day hunting hours are 9:00 a.m. to 1:00 p.m. at Sand Ridge). Hunters with reservations are required to check in at the check station between 7:00 a.m. and 8:00 a.m. (except at Site M Controlled Unit, Silver Springs, Horseshoe Lake State Park (Madison County), Ramsey Lake and Sand Ridge where hunters are required to check in between 8:00 a.m. and 8:30 a.m.). Reservations are void after 8:00 a.m. (except at Site M, Sand Ridge and Wayne Fitzgerald where reservations are void after 12:00 noon).
- c) When daily quotas are not filled, permits shall be issued on a first come-first served basis until 12:00 Noon.
- d) Hunting licenses, daily usage stamps and fees:
- 1) Hunters are required to deposit their hunting license in the check station while hunting. Persons exempt by law from having a hunting license must deposit their Firearm Owner's Identification Card. If they are under 21 years old and do not have a card they must be accompanied by a parent, legal guardian or a person in loco parentis who has a valid card in possession.
 - 2) At the Iroquois County Conservation Area hunters must obtain a daily usage stamp from the Department prior to hunting, except on the Sunday following Thanksgiving Day November-29 hunters under 16 are not required to obtain a stamp.
 - 3) At the Des Plaines Conservation Area, Moraine View State Park, Site M, Eldon Hazlet State Park (Carlyle Lake), Wayne Fitzgerald State Park and Sand Ridge, hunters must obtain a daily usage stamp from the Department prior to hunting, except on the Sunday following Thanksgiving Day November-29 and December 26 hunters under 16 are not required to obtain a stamp.
 - 4) Fees and methods of payment at the following sites will be publicly announced:

Chain O'Lakes State Park
Horseshoe Lake State Park (Madison County)
Lee County Conservation Area
Ramsey Lake State Park
Silver Springs State Park

- e) Hunters must wear a back patch issued by the check station.
- f) Anyone who has killed game previously and has it in his possession or in his vehicle must declare it with the person in charge of the area when he checks in. All such game found in a hunter's possession after he has started hunting on the area shall be considered illegally taken if the hunter has not declared it prior to going into the field.
- g) All hunting must be done with shotguns or bow and arrow. Only shot shells with a shot size of No. 5 lead, tungsten-iron, tungsten-polymer, tungsten-matrix, or No. 4 bismuth, No. 3 steel or tin, or smaller may be used except at Wayne Fitzgerald State Park and Eldon Hazlet State Park where only nontoxic shot approved by the U.S.

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Fish and Wildlife Service may be possessed and only shot shells with a shot size of No. 3 steel or tin, No. 4 5 bismuth, or No. 5 tungsten-iron, tungsten-polymer, tungsten-matrix or smaller may be used. Flu flu arrows only may be used by bow and arrow hunters.

h) Non-hunters are not allowed in the field.

i) Hunters under 16 years of age must be accompanied by an adult hunter.

j) Daily limits:

- 1) Two pheasants of either sex at Eldon Hazlet State Park, Iroquois County Conservation Area, Wayne Fitzgerald State Park, and the Des Plaines Conservation Area.
- 2) Two pheasants of either sex, 8 bobwhite quail and 4 rabbits at Sand Ridge.
- 3) Two cock pheasants, 8 bobwhite quail and 4 rabbits at Site M.
- 4) Four cock pheasants at the ~~Lee-County-Conservation-Area~~ ~~Green River~~ and Silver Springs State Park.
- 5) Four pheasants of either sex (except that on the last day of fee hunting, each hunter will be allowed to harvest 4 quail and 2 rabbits in addition to 4 pheasants) at Horseshoe Lake State Park (Madison County).
- 6) Four pheasants of either sex, 8 bobwhite quail and 4 rabbits at Ramsey Lake State Park.
- 7) The daily limit at Chain O'Lakes State Park will be publicly announced.
- 8) Two cock pheasants at Moraine View State Park and Lee County Conservation Area (Green River).

k) Tagging of birds.

All pheasants must be affixed with a Department tag before they are removed from the area during the controlled pheasant hunting season. The tag must remain on the leg of the pheasants until the pheasants are finally prepared for consumption.

- 1) Hunters may not leave the confines of any permit area and return to hunt on the permit area during the same day.
- 2) Any person who violates any provision of this Part or 17 Ill. Adm. Code 510.10(c)(1), (4) and (6) or 510.10(d)(7) or Section 2.33(n), (x) or (z) of the Wildlife Code (520 ILCS 5/2.33(n), (x) or (z)) shall be subject to arrest and/or removal from the premises for the remainder of the controlled pheasant hunting season under applicable statutes including 720 ILCS 5/21-5, Criminal Trespass to State Supported Land. Hunters may request a hearing within ten days after the citation by written request addressed to: Legal Division, Department of Natural Resources, 524 South Second Street, Springfield IL 62701-1787. Such hearing shall be governed by the provisions of 17 Ill. Adm. Code 2530.

(Source: Amended at 23 Ill. Reg. 9012 ², effective JUL 28 1999)

Section 530.90 Illinois Youth Pheasant Hunting Sites Permit Requirements

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- a) Applicants must contact the Department to obtain a permit reservation. Starting dates and methods for making reservations will be publicly announced. Only applications for reservations submitted by Illinois residents will be processed during the first two weeks of the application period. Reservations will be confirmed. Up to six reservations, but only one per applicant, may be made. Multiple reservations for the same person will not be accepted and that person will forfeit his right to acquire a reservation for the season. There is no fee for the youth pheasant hunting permit.
- b) Only one permit per person will be issued until the daily quota is filled. The daily quota is determined by the formula one hunter per 10 to 40 huntable acres. Huntable acres are determined by, but not limited to, the biological studies on the number of the species available, the condition, topography, and configuration of the land at the site, the condition of the roads at the site, and the number of employees available to work at the site.

- c) The Springfield Permit Office cannot transfer or alter reservations to change hunting areas, dates or hunters' names. Permits cannot be transferred on the hunting areas. For other information (except Sangchris Lake and Edward R. Madigan State Park ~~Pish-and-Wildlife Area~~) write to:

Illinois Department of Natural Resources

Pheasant

524 South 2nd Street, Room 210

P.O. Box 19457

Springfield, Illinois 62794-9457

- d) Reservations for the Illinois Youth Pheasant Hunt will be issued from the Springfield Permit Office for Chain O'Lakes State Park, Des Plaines Conservation Area, Edward R. Madigan State Park ~~Pish-and-Wildlife-Area~~, Eldon Hazlet State Park (Carlyle Lake), Iroquois County Conservation Area, Moraine View State Recreation Park, Wayne Fitzgerald (Rond Lake) State Park, Richland County Controlled Pheasant Hunting Area, ~~Lee-County-Conservation-Area~~, Mackinaw River State Fish and Wildlife Area, Horseshoe Lake State Park (Madison County), Sand Ridge State Forest, Sangchris Lake State Park and Site M (Controlled Area).

(Source: Amended at 23 Ill. Reg. 9012 ³, effective JUL 28 1999)

Section 530.100 Illinois Youth Pheasant Hunting Regulations

- a) The Illinois Youth Pheasant Hunt will be November 7, 1999, 8y-1998 except at the Richland County Controlled Pheasant Hunting Area where the hunt will be November 21 92y-at-Edward-R-Madigan-State-Pish-and-Wildlife-Area-where-the-hunt-will-be-November-7 and at Mackinaw River

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State Fish & Wildlife Area where the hunt will be the Saturday preceding the opening of the statewide upland game season.

- b) Hunting hours are from 9:00 a.m. to 4:00 p.m., except at Sangchris Lake hunting hours are from 12 noon to 4:00 p.m. Hunters with reservations or permits are required to check in at the check station between 7:00 a.m. and 8:00 a.m. (between 6:00 a.m. and 6:30 a.m. at Edward-K-Madigan State Fish and Wildlife Area and between 10:00 a.m. and 10:30 a.m. at Sangchris Lake State Park).

- c) All hunters must be between the ages of 10 and 15 inclusive and have a youth hunting permit. Stand-by permits will not be available except at Sangchris Lake and Edward R. Madigan State Park Fish and Wildlife Area.

- d) All hunters are required to deposit their hunting licenses in the check station while hunting. Each permit holder MUST be accompanied by a non-hunting supervisory adult. If the hunter does not have a valid Firearm Owner's Identification Card (FOID), the supervisory adult is required to have a valid FOID Card. Only one supervisory adult in a hunting party is required to have a valid FOID Card if the hunters in the hunting party stay under the immediate control (accompany youth hunter at all times) of the supervisory adult possessing the valid FOID Card.

- e) Supervising adults are required to wear a cap and upper outer garment of solid and vivid blaze orange of at least 400 square inches. Hunters must wear a back patch issued by the check station.

- f) Anyone who has killed game previously and has it in his possession or in his vehicle must declare it with the person in charge of the area prior to hunting on the area. All previously killed game found in a hunter's possession after he has started hunting on the area will be considered illegally taken if the hunter has not declared it prior to going into the field.

- g) All hunting must be done with shotguns. Only shot shells with a shot size of No. 5 lead, tungsten-iron, tungsten-polymer, tungsten-matrix, No. 4 or bismuth or No. 3 steel or tin or smaller may be used, except at Wayne Fitzgerald State Park where only shot shells approved as non-toxic by the U.S. Fish and Wildlife Service with a shot size of No. 3 steel or tin, No. 4 bismuth, No. 5 or tungsten-iron, tungsten-polymer, tungsten-matrix or smaller may be used.

- h) All limit.

- 1) Two pheasants of either sex at Eldon Hazlet State Park, Iroquois County Conservation Area, Des Plaines Conservation Area, Richland County Controlled Pheasant Hunting Area, Wayne Fitzgerald State Park, Horseshoe Lake State Park (Madison County) and Sand Ridge State Forest.

- 2) Two cock pheasants only at the Lee-County-Conservation-Area, Moraine View State Park, Mackinaw River State Fish and Wildlife Area and Chain O'Lakes State Park.

- 3) Statewide Limits: Sangchris Lake State Park, Edward R. Madigan State Park Fish and Wildlife Area and Site M (Controlled Unit).

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- i) All pheasants must be affixed with a Department tag before they are removed from the area (except Sangchris Lake, Edward R. Madigan State Park Fish and Wildlife Area and Mackinaw River State Fish and Wildlife Area). The tag must remain on the leg of the pheasants until the pheasants are finally prepared for consumption.

(Source: Amended at 23 Ill. Reg. 2012, effective JUL 28 1999)

Section 530.105 Regulations for Fee Hunting of Pheasant, Hungarian Partridge, Quail and Rabbit at Controlled Daily Drawing Pheasant Hunting Sites

- a) All the regulations in 17 Ill. Adm. Code 510 - General Hunting and Trapping apply in this Section, unless this Section is more restrictive.

- b) All areas are closed to fee upland game hunting Mondays and Tuesday, Christmas Day and New Year's Day. With authorization from the Director, controlled pheasant hunting may be scheduled on Monday or Tuesday on DNR operated areas.

- c) Hunting hours are 9:00 a.m. to 4:00 p.m. (except on Thanksgiving Day hunting hours are 9:00 a.m. to 1:00 p.m. at Kankakee River State Park).

- d) All hunting must be done with shotgun or bow and arrow. Only shot shells with a shot size of No. 5 lead, tungsten-iron, tungsten-polymer, tungsten-matrix, No. 4 or bismuth, or No. 3 steel or tin, or smaller may be used, except at Johnson-Sauk Trail State Park where only non-toxic shot approved by the U.S. Fish and Wildlife Service may be possessed and only shot shells with a shot size of No. 3 steel or tin, No. 4 bismuth, or No. 5 tungsten-iron, tungsten-polymer, tungsten-matrix, or smaller may be used. Flu flu arrows only may be used by bow and arrow hunters.

- e) All pheasants must be affixed with a Department tag before they are removed from the area. The tag must remain on the leg of the pheasants until the pheasants are finally prepared for consumption.

- f) Hunter quota selection, daily usage stamp requirements and exemptions and hunter age requirements:

- 1) A drawing shall be held at the site for hunter quotas.
2) A daily usage stamp is required prior to hunting opening date through the day following the final game bird release.

- 3) Hunters under 16 are not required to obtain a daily usage stamp at Johnson-Sauk Trail State Park, Kankakee River State Park and the Washington County Conservation Area on the Sunday following Thanksgiving Day and December 26 November-29 and December-26.

- 4) Hunters under 16 years of age must be accompanied by an adult hunter.

- 5) At the Richland County Controlled Pheasant Hunting Area a daily usage stamp is not required. Fees and methods of payment at this site will be publicly announced.

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- g) When daily quotas are not filled, hunters are allowed to check in on a first come-first served basis until 12:00 noon.
- h) The Department shall publicly announce the registration time and quota to be filled.
- i) Hunters are required to deposit their hunting license in the check station while hunting. Persons exempt by law from having a hunting license must deposit their Firearm Owner's Identification Card. If they are under 21 years old and do not have a card they must be accompanied by a parent, legal guardian or a person in loco parentis who has a valid card in possession.
- j) A back patch issued at the check station must be worn while hunting.
- k) Non-hunters are not allowed in the field.
- l) Hunters must not leave the site without first checking out.
- m) Daily Limit:
- Pheasant - 2 (either sex may be harvested)
 - Bobwhite Quail - 8
 - Hungarian Partridge - 2
 - Rabbit - 4
- n) Statewide regulations as provided for in this Part apply at the following Controlled Daily Drawing Pheasant Hunting sites, except as noted above and in parentheses below:

Johnson-Sauk Trail State Park

Kankakee River State Park (Hunters must check out within 15 minutes of the close of hunting hours; quail shall not be harvested)

Richland County Controlled Pheasant Hunting Area (the controlled pheasant hunting season will be publicly announced; daily limit 4 pheasants of either sex only)

Washington County Conservation Area

- o) Any person who violates any provision of this Part or 17 Ill. Adm. Code 510.10(c)(1), (4) and (6) or 510.10(d)(7) or Section 2.33(n), (x) or (z) the Wildlife Code [520 ICSC 5/2.33(n), (x) or (z)] shall be subject to arrest and/or removal from the premises for the remainder of the controlled pheasant hunting season under applicable statutes including 720 ICSC 5/21-5, Criminal Trespass to State Supported Land. Hunters may request a hearing within ten days of the citation by written request addressed to: Legal Division, Department of Natural Resources, 524 South Second Street, Springfield IL 62701-1787. Such hearing shall be governed by the provisions of 17 Ill. Adm. Code 2530.

(Source: Amended Jul 28 1999 at 23 Ill. Reg. 9012, effective _____)

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Section 530.110 Regulations for Non-Fee Hunting of Cock Pheasant, Hungarian Partridge, Quail, and Rabbit at Various Department-Owned or -Managed Sites

- a) General Site Regulations
- 1) All regulations in 17 Ill. Adm. Code 510 -- General Hunting and Trapping -- apply in this Section, unless this Section is more restrictive.
 - 2) Only flu flu arrows may be used by bow and arrow hunters; broadheads are not allowed.
 - 3) On sites which are indicated by (1), hunters must check in and/or sign out as provided for in 17 Ill. Adm. Code 510.
 - 4) On sites which are indicated by (2), only nontoxic shot approved by the U.S. Fish and Wildlife Service of size No. 3 steel or No. 5 bismuth shot or smaller may be used or possessed with a shot size of No. 3 steel or tin, No. 4 bismuth, No. 5 tungsten-iron, tungsten-polymer, tungsten-matrix or smaller may be used.
 - 5) Site specific rules or exceptions are noted in parentheses after each site.
- b) Site Specific Regulations
- 1) Statewide regulations apply at the following sites:
- Anderson Lake Conservation Area (1)
 - Apple River Canyon State Park - Salem and Thompson Units (rabbits only; closed during firearm deer season) (1)
 - Argyle Lake State Park (closed during firearm deer season) (1)
 - Banner Marsh State Fish and Wildlife Area (opens the day after the close of the central zone duck season) (1)
 - Big Bend State Fish and Wildlife Area (1)
 - Big River State Forest (closed during firearm deer season) (1)
 - CACHE River State Natural Area (1)
 - Campbell Pond Wildlife Management Area
 - Caryle Lake Lands and Waters (Corps of Engineers Managed Lands)
 - Caryle Lake Wildlife Management Area (subimpoundment area closed 7 days prior to and during the southern zone waterfowl season)

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Chain O'Lakes State Park (open Wednesday after controlled pheasant hunting season for 5 consecutive days, closed December 25; hunting hours 8 a.m. - 4 p.m.) (1)

Crawford County Conservation Area (1)

Cypress Pond State Natural Area (1)

Dog Island Wildlife Management Area (1)

Eldon Hazlet State Park (north of Allen Branch and west of Peppenhorst Branch only) (1)

Fern Clyffe State Park (1)

Fort de Chartres Historic Site (hunting with muzzleloading shotgun or bow and arrow only) (1)

Ft. Massac State Park (1)

Giant City State Park (1)

~~Green River State Wildlife Area (closed until the end of the site's controlled pheasant season, except quail and rabbit only can be hunted on Mondays and Tuesday during the site's controlled pheasant season) (1)~~

Hamilton County Conservation Area (8:00 a.m. - 4:00 p.m.) (1)

Horseshoe Lake Conservation Area (Alexander County) (Public Hunting Area, except Controlled Hunting Area) (1)

I-24 Wildlife Management Area (1)

Jubilee College State Park (opens second day of statewide season; pheasant and quail close the Sunday after Thanksgiving) (1)

Kaskaskia River State Fish and Wildlife Area (Doza Creek Waterfowl Management Area closed 7 days prior to and during duck season) (1)

Kinkaid Lake Fish and Wildlife Area (1)

~~Mackinaw River Fish and Wildlife Area (8:00 a.m. - 4:00 p.m.; closed during firearm deer season; pheasant and quail close the Sunday after Thanksgiving) (1)~~

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Marseilles Wildlife (closed during the site's firearm deer season) (1)

Marshall Fish and Wildlife Area (closed during firearm deer season) (1)

Mazonia State Fish and Wildlife Area (upland season does not open until the day after the close of the site's waterfowl season; the site is closed Mondays, Tuesday, Christmas Day and New Year's Day) (1)

Mermet Lake Fish and Wildlife Area (1)

Mississippi River Pools 16, 17, 18

Mississippi River Fish and Waterfowl Management Area (Pools 25 and 26)

Mississippi River Pools 21, 22, 24

Mt. Vernon Game Propagation Center (hunting from January 1 to the end of season; rabbits only) (1)

Oakford Conservation Area

Panther Creek Conservation Area (1)

Peabody River King State Fish and Wildlife Area (West Subunit only) (1)

Pyramid State Park (1)

Ramsey Lake State Park (8:00 a.m. to 4:00 p.m.; rabbits and quail only may be hunted on Mondays and Tuesday during the fee pheasant season) (1)

Randolph County Conservation Area (1)

Ray Norbut State Fish and Wildlife Area (all hunting closes December 15 in Eagle Roost Area) (1)

Red Hills State Park (8:00 a.m. - 4:00 p.m.) (1)

Rend Lake Project Lands and Waters

Saline County Conservation Area (1)

Sam Dale Lake Conservation Area (8:00 a.m. to 4:00 p.m.) (1)

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Sam Parr State Park (8:00 a.m. to 4:00 p.m.) (1)

Sangamon County Conservation Area

Sangamonis-State-Fish-and-Wildlife-Area

Shawnee National Forest, Oakwood Bottoms (2)

Snake Den Hollow Fish and Wildlife Area (opens the day after the close of the Central Illinois Quota zone goose season) (1)

Stephen A. Forbes State Park (8:00 a.m. to 4:00 p.m.) (1)

Tapley Woods State Natural Area (closed during firearm and muzzleloading rifle deer seasons) (1)

Trail of Tears State Forest (1)

Turkey Bluffs State Fish and Wildlife Area (1)

Union County Conservation Area (Firing Line Management Area only) (1)

Weinberg-King State Park (1)

Wildcat Hollow State Forest

Witkowski State Wildlife Area (rabbit only; opens after second firearm deer season) (1)

- 2) Statewide regulations apply at the following sites except that hunters must obtain a free site permit from site office; this permit must be in possession while hunting at the site. The permit must be returned, and harvest reported, by February 15 or the hunter will forfeit hunting privileges at the site for the following year:

Chauncey Marsh (obtain permit at Red Hills State Park headquarters)

Clinton Lake State Recreation Area (4:00 p.m. daily closing)

Fox Ridge State Park (4:00 p.m. daily closing)

Hidden Springs State Forest (no hunting during firearm deer season; 4:00 p.m. daily closing)

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Kickapoo State Park (4:00 p.m. daily closing; closed during firearm deer season)

Lake Shelbyville - Kaskaskia and West Okaw Wildlife Management Area (4:00 p.m. daily closing)

Middle Fork Fish and Wildlife Area (4:00 p.m. daily closing; closed during firearm deer season)

Moraine View State Park (rabbit hunting permitted Mondays and Tuesdays during the site controlled hunting program and from Wednesday after the permit pheasant season until the end of the Northern Zone Rabbit Season. Quail and pheasant hunting are permitted Wednesday through Sunday following the permit pheasant season; 2 cock pheasants may be taken. All hunting is 8 a.m. to 4 p.m. only.)

Newton Lake Fish and Wildlife Area (closed during firearm deer season)

Sangamonis State Fish and Wildlife Area

Site M (open unit)

Ten Mile Creek State Fish and Wildlife Area (non-toxic shot only on posted waterfowl rest areas)

- 3) Hunting is permitted on the following areas only on the dates listed in parentheses; daily hunting permits filled by drawing through DQC permit office. Procedures for application and drawings will be publicly announced. Only one permit per person will be issued for each site. Each permit authorizes the holder to bring the number of additional hunting partners listed in parentheses for the day's hunt. The permit must be returned and harvest reported by February 15 or hunters will forfeit hunting privileges at the site for the following year:

Bradford Pheasant Habitat Area (open only November 6, 13, 27 and December 5, 19; each permit authorizes the holder to bring 3 hunting partners)

Burriss Habitat Area (open only November 6, 7, 10, 13, 17, 24, 27 and December 9, 12, 16, 19, 22, 24; each permit authorizes the holder to bring 3 hunting partners)

Eagle Creek State Park (open only November 6, 7, 10, 13, 17, 20, 24, 27 and December 2, 5, 9, 12, 16, 19, 22, 24; each permit authorizes the holder to bring 3 hunting partners 77-87-117-147)

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10-21-25-28-and-December-3-6-10-13-17-20-24)

East Conant (open only November 6, 9, 12, 14, 18, 23, 27, 30 and December 1, 6, 9, 12, 15, 18, 21, 24, 26, 29, and January 1, 5, 9, 12, 15; November-7-10-13-17-20-23-27-30-33-36-39-42-and-December-3-6-10-13-17-20-23-27-30-33-36-39-42-and-January-1-5-9-12-15; each permit authorizes the holder to bring 3 hunting partners)

Edward R. Madigan State Park Fish-and-Wildlife-Area (open on Mondays from the opening of upland game season until Christmas Day open-only-November-9-16-23-30-and-December-7-14-21; each permit authorizes the holder to bring 3 hunting partners; check in required before hunting)

Freeman Mine (open every Wednesday in November and December starting with opening day of upland game season except during firearm deer season and December 24 and 25 open-only-November-7-10-13-17-20-23-27-30-33-36-39-42-and-December-3-6-10-13-17-20-23-27-30-33-36-39-42-and-January-1-5-9-12-15; each permit authorizes the holder to bring 3 hunting partners; hunting hours 8 a.m. to 4 p.m.; daily bag limit is 2 cock pheasants, 4 quail, and 2 rabbits)

Green River State Wildlife Area (open only November 8, 10, 12, 15, 17, 22, 24, 26, 29 and December 6, 8, 10, 13, 15, 17, 20, 22, 24, 27, 29, 31; each permit authorizes the holder to bring 5 hunting partners) (1) (2)

Hallsville Habitat Area (open only November 6, 7, 10, 13, 17, 20, 24, 27 and December 2, 5, 9, 12, 16, 19, 22, 24 November-7-10-13-17-20-23-27-30-33-36-39-42-and-December-3-6-10-13-17-20-23-27-30-33-36-39-42-and-January-1-5-9-12-15; each permit authorizes the holder to bring 3 hunting partners)

Harry "Babe" Woodyard State Natural Area (open only November 6, 7, 10, 13, 17, 24, 27 and December 9, 12, 16, 19, 22, 24 November-7-10-13-17-20-23-27-30-33-36-39-42-and-December-3-6-10-13-17-20-23-27-30-33-36-39-42-and-January-1-5-9-12-15; each permit authorizes the holder to bring 3 hunting partners; 8 a.m. to 4 p.m. hunting hours)

Herschel Workman Habitat Area (open only November 6, 7, 10, 13, 17, 20, 24, 27 and December 2, 5, 9, 12, 16, 19, 22, 24 November-7-10-13-17-20-23-27-30-33-36-39-42-and-December-3-6-10-13-17-20-23-27-30-33-36-39-42-and-January-1-5-9-12-15; each permit authorizes the holder to bring 3 hunting partners)

Hurricane Creek Habitat Area (open only November 6, 7, 10, 13, 17, 24, 27 and December 9, 12, 16, 19, 22, 24; each permit authorizes the holder to bring 3 hunting partners)

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Manito Habitat Area (open only November 6, 7, 10, 13, 17, 20, 24, 27 and December 2, 5, 9, 12, 16, 19, 22, 24 November-7-10-13-17-20-23-27-30-33-36-39-42-and-December-3-6-10-13-17-20-23-27-30-33-36-39-42-and-January-1-5-9-12-15; each permit authorizes the holder to bring three hunting partners)

Maytown Habitat Area (open only November 6, 13, 27 and December 5, 19; each permit authorizes the holder to bring 3 hunting partners)

Pardueville Habitat Area (open only November 6, 7, 10, 13, 17, 20, 24, 27 and December 2, 5, 9, 12, 16, 19, 22, 24 November-7-10-13-17-20-23-27-30-33-36-39-42-and-December-3-6-10-13-17-20-23-27-30-33-36-39-42-and-January-1-5-9-12-15; each permit authorizes the holder to bring 3 hunting partners)

Sand Prairie Habitat Area (open only November 6, 7, 10, 13, 17, 20, 24, 27 and December 2, 5, 9, 12, 16, 19, 22, 24 November-7-10-13-17-20-23-27-30-33-36-39-42-and-December-3-6-10-13-17-20-23-27-30-33-36-39-42-and-January-1-5-9-12-15; each permit authorizes the holder to bring 5 hunting partners)

Sand Ridge State Forest (Mud Turtle State Natural Area) (open on Saturdays and Tuesdays from the opening of the upland game season through the end of December except during firearm deer season open-only-November-7-10-13-17-20-23-27-30-33-36-39-42-and-December-3-6-10-13-17-20-23-27-30-33-36-39-42-and-January-1-5-9-12-15; each permit authorizes holder to bring 3 hunting partners)

Sangchris Lake State Park (open every Wednesday and Saturday in November and December after the opening day of upland game season except during firearm deer season and December 24 and 25 open-only-November-7-10-13-17-20-23-27-30-33-36-39-42-and-December-3-6-10-13-17-20-23-27-30-33-36-39-42-and-January-1-5-9-12-15; each permit authorizes holder to bring 3 hunting partners; hunting hours 1 p.m. to sunset; check in required before hunting; December dates are for rabbits only)

Sato Field (open only November 6, 10, 13, 15, 18, 22, 25, 28 and December 1, 6, 9, 11, 14, 17, 19, 23, 26, 30 and January 1, 5, 8, 11, 15 November-7-10-13-17-20-23-27-30-33-36-39-42-and-December-3-6-10-13-17-20-23-27-30-33-36-39-42-and-January-1-5-9-12-15; each permit authorizes the holder to bring 3 hunting partners)

Saybrook Habitat Area (McLean County) (open only November 6, 7, 10, 13, 17, 20, 24, 27 and December 2, 5, 9, 12, 16, 19, 22, 24 November-7-10-13-17-20-23-27-30-33-36-39-42-and-December-3-6-10-13-17-20-23-27-30-33-36-39-42-and-January-1-5-9-12-15; each permit authorizes the holder to bring 3 hunting partners)

Site M (Quail Management Area) (open every Tuesday and Saturday in November, December and January starting with opening day of

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upland game except during firearm deer season and December 21 and 25 open only November 7-18-19-24-28-and-December 1-7-19-19-22-26-29-and-January 2-7-9-12; each permit authorizes holder to bring 3 hunting partners)

Steward Habitat Area (open only November 6, 7, 10, 13, 17, 20, 24, 27 and December 2, 5, 9, 12, 16, 19, 22, 24 November--7--8-11-14-18-21-25-28-and-December 3-7-10-13-17-20-24; each permit authorizes the holder to bring 3 hunting partners)

Victoria Habitat Area (open only November 6, 7, 10, 13, 17, 20, 24, 27 and December 2, 5, 9, 12, 16, 19, 22, 24 November--7--8-11-14-18-21-25-28-and-December 3-7-10-13-17-20-24; each permit authorizes the holder to bring 3 hunting partners)

Wolf Creek State Park (open only November 6, 7, 10, 13, 17, 24, 27 and December 9, 12, 16, 19, 22, 24; each permit authorizes holder to bring 3 hunting partners November 7-7-8-11-14-18-21-25-28-and-December 10-13-17-20-24)

4) The following sites will be open for pheasant, quail, rabbit and partridge hunting following the site's controlled pheasant hunting season; pheasants of either sex may be taken; all hen pheasants must be tagged by DNR before leaving sites; hunting hours are 8:00 a.m. - 4:00 p.m.; hunting dates are noted in parentheses:

Des Plaines Conservation Area (dates are 5 days following the close of the site's permit pheasant season excluding Mondays, Tuesday and Christmas) (1)

Eldon Hazlet State Park (controlled pheasant hunting area and for 5 consecutive days only) (1)

Iroquois County Wildlife Management Area (open Wednesday through Sunday following permit pheasant season) (1)

Johnson-Sauk Trail State Park (open Wednesday through Sunday following permit pheasant season) (2)

Kankakee River State Park (no quail hunting)

Washington County Conservation Area (1)

(Source: Amended at 23 Ill. Reg. 3012 effective July 28 1999)

Section 530.115 Regulations for Hunting by Falconry Methods at Various Department-Owned or -Managed Sites

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a) All the regulations in 17 Ill. Adm. Code 510 apply in this Section, except that falconers are required to wear a cap and outer garment of solid and vivid blaze orange only during the upland game season on sites where upland game hunting is in progress.

b) Statewide falconry regulations (17 Ill. Adm. Code 1590) apply at the following sites (exceptions are in parentheses):

Big Bend State Fish and Wildlife Area

Edward R. Madigan State Park Fish-and-Wildlife-Area (hunting by falconry methods permitted from October 1 through March 31 or until 10 hen pheasants are harvested; falconers must sign in at the site check station before hunting and sign out immediately after hunting and report their harvest)

Horseshoe Lake State Park (Madison County) (hunting season opens the first hunting day after the close of the duck hunting season; hunting by falconry methods allowed from day after controlled pheasant season through the close of statewide quail falconry season)

Mississippi River Pools 16, 17 and 18

Sand Ridge State Forest (statewide regulations except that hunting is permitted on Mondays and Tuesday only during the Controlled Daily Drawing Pheasant Program season; it is unlawful to hunt by falconry methods in the vicinity of pheasant releases as pheasants are being released; falconry hunters must obtain a free permit from site office before hunting and report harvest by April 15; failure to report harvest by April 15 will result in loss of hunting privileges the following year)

Snake Den Hollow Fish and Wildlife Area (hunting permitted from the day after the close of the Fulton-Knox County Zone goose season until the close of the statewide falconry season)

c) Cock and hen pheasant, hungarian partridge, bobwhite quail, and rabbit may be taken at the following sites in accordance with 17 Ill. Adm. Code 1590; falconers must obtain a free permit from site office before hunting and return permit and report harvest by February 15; failure to return permit or report harvest will result in loss of hunting privileges the following year (additional site regulations are in parentheses):

Chain O'Lakes State Park (hunting permitted 8:00 a.m. to 4:00 p.m. from the Monday after the non-fee season through January 31 except closed Christmas Day; obtain permit from site office Monday through Friday 8:00 a.m. to 4:00 p.m.)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

Eagle Creek State Park (hunting permitted from the end of the statewide firearms season for rabbits through January 31)

Moraine View State Park (hunting permitted October 1 through two days before the pheasant season opens)

Ten Mile Creek Fish and Wildlife Area (hunting permitted from the end of the firearms rabbit season through January 31)

(Source: Amended 3012 at 23 Ill. Reg. 3012 effective JUL 28 1999)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Crow, Woodcock, Snipe, Rail and Teal Hunting

2) Code Citation: 17 Ill. Adm. Code 740

3) Section Numbers:
740.20
Amendments

4) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5] and Migratory Bird Hunting (50 CFR 20, August 25, 1987).

5) Effective Date of Amendments: July 28, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: April 23, 1999, 23 Ill. Reg. 4638

10) Has JCARE issued a Statement of Objections to these amendments? No

11) Differences between proposal and final version: Section 740.20(d), a hyphen was added between "come" and "first".

12) Have all the changes agreed upon by the agency and JCARE been made as indicated in the agreements issued by JCARE? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: This Part was amended to open and close State-owned or -managed sites and to add site-specific regulations.

16) Information and questions regarding these adopted amendments shall be directed to:

Jack Price
Department of Natural Resources
524 S. Second Street, Room 430
Springfield IL 62701-1787
217/782-1809

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF ADOPTED AMENDMENTS

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF ADOPTED AMENDMENTS
TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 740
CROW, WOODCOCK, SNIPE, RAIL AND TEAL HUNTING

Section 740.10 Statewide Regulations
740.20 Regulations at Various Department-Owned or -Managed Sites
AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.18, 2.26, 2.33 and 3.5] and Migratory Bird Hunting [50 CFR 20, August 25, 1987].

SOURCE: Adopted at 5 Ill. Reg. 8896, effective August 25, 1981; codified at 5 Ill. Reg. 10645; amended at 6 Ill. Reg. 357, effective December 23, 1981; amended at 6 Ill. Reg. 9648, effective July 21, 1982; amended at 7 Ill. Reg. 8815, effective July 15, 1983; amended at 8 Ill. Reg. 16796, effective August 30, 1984; amended at 9 Ill. Reg. 11620, effective July 16, 1985; peremptory amendments at 9 Ill. Reg. 14383, effective September 5, 1985; amended at 10 Ill. Reg. 15607, effective September 16, 1986; amended at 11 Ill. Reg. 9575, effective May 5, 1987; emergency amendments at 11 Ill. Reg. 15253, effective August 28, 1987, for a maximum of 150 days; emergency expired on January 25, 1988; amended at 12 Ill. Reg. 12261, effective July 15, 1988; amended at 13 Ill. Reg. 12869, effective July 21, 1989; amended at 14 Ill. Reg. 11207, effective June 29, 1990; amended at 15 Ill. Reg. 10057, effective June 24, 1991; amended at 16 Ill. Reg. 11162, effective June 30, 1992; amended at 17 Ill. Reg. 10877, effective July 1, 1993; amended at 18 Ill. Reg. 9998, effective June 21, 1994; amended at 19 Ill. Reg. 10577, effective July 1, 1995; amended at 20 Ill. Reg. 10851, effective August 5, 1996; amended at 21 Ill. Reg. 9061, effective June 26, 1997; amended at 22 Ill. Reg. 14782, effective August 3, 1998; amended at 23 Ill. Reg. ~~9033~~ effective Jul 28 1999.

Section 740.20 Regulations at Various Department-Owned or -Managed Sites

- a) All the rules in 17 Ill. Adm. Code 510 apply in this Section, unless this Section is more restrictive.
- b) Woodcock, snipe and rail hunting; statewide regulations as provided for in this Part shall apply at the following areas (exceptions are in parentheses):

Anderson Lake Conservation Area (closed 7 days before duck season)

Big Bend State Fish and Wildlife Area

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Big River State Forest

Cache River State Natural Area

Campbell Pond Wildlife Management Area

Carlisle Lake Lands and Waters - Corps of Engineers managed lands

Carlisle Lake Wildlife Management Area (sub-impoundment area closes 7 days prior to the southern zone waterfowl season)

Crawford County Conservation Area

Cypress Pond State Natural Area

Dog Island Wildlife Management Area

Eldon Hazlet State Park (North of Allen Branch and west of Peppermorst Branch only)

Ferne Clyffe State Park

Ft. de Chartres Historic Site (hunting with muzzle loading shotgun only)

Ft. Massac State Park

Giant City State Park

Hamilton County Conservation Area (statewide hours until rabbit season, then 8:00 a.m. to 4:00 p.m.)

Horseshoe Lake Conservation Area (public hunting area except controlled goose hunting area)

I-24 Wildlife Management Area

Ingham County Wildlife Management Area (season closes the day before permit pheasant season; 4:00 p.m. daily closing; sign in/out required)

Jubilee College State Park (season coincides with Jubilee Upland season, 17 Ill. Adm. Code 530.110)

Kankakee River State Park (woodcock only; during the controlled pheasant hunting season, hunters must abide by those portions of 17 Ill. Adm. Code 530.105 and 530.110 which pertain to Kankakee River State Park)

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Kaskaskia River State Fish and Wildlife Area (Doza Creek Waterfowl Management Area closed 7 days prior to waterfowl season)

Kinkaid Lake Fish and Wildlife Area

Marseilles Wildlife Area (woodcock only; Monday - Thursday only through October)

Mermet Lake Fish and Wildlife Area

Mississippi River Fish and Waterfowl Management Area (Pools 25 and 26)

Mississippi River Pools 16, 17, and 18

Mississippi River Pools 21, 22 and 24

Oakford Conservation Area

Panther Creek Conservation Area

Peabody River King State Fish and Wildlife Area (West subunit only; woodcock only)

Pyramid State Park

Ramsey Lake State Park (statewide hours until rabbit season begins; then 8:00 a.m. - 4:00 p.m.)

Randolph County Conservation Area (woodcock only)

Ray Norbut State Fish and Wildlife Area (all hunting closes December 15 in Eagle Creek Roost Area)

Red Hills State Park (statewide hours until rabbit season, then 8:00 a.m. - 4:00 p.m.)

Rend Lake Project Lands and Waters

Rice Lake Wildlife Area (season open during teal season only; sunrise until 1:00 p.m.)

Saline County Fish and Wildlife Area

Sam Dale Lake Conservation Area (statewide hours until rabbit season, then 8:00 a.m. to 4:00 p.m.)

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Sam Parr State Park (statewide hours until rabbit season, then 8:00 a.m. to 4:00 p.m.)

Sand Ridge State Forest (During the controlled pheasant hunting season, hunters must abide by those portions of 17 Ill. Adm. Code 530.105 and 530.110 which pertain to Sand Ridge State Forest)

Sanganois-State-Fish-and-Wildlife-Area

Snake Den Hollow Fish and Wildlife Area/Victoria Pheasant Habitat Area (closes September 30)

Stephen A. Forbes State Park (statewide hours until rabbit season, then 8:00 a.m. to 4:00 p.m.)

Tapley Woods State Natural Area (closed during firearm deer season)

Trail of Tears State Forest

Turkey Bluffs Fish and Wildlife Area

Union County Conservation Area (Firing Line Management Area only)

Washington County Conservation Area (woodcock only)

Weinberg-King State Park

Wildcat Hollow State Forest

c) Woodcock, snipe and rail hunting permitted, exceptions as noted in parentheses. Hunters must obtain a permit from site office and permit must be in possession while hunting. Failure to report harvest by February 15 will result in loss of hunting privileges at that site for the following year.

Chauncey Marsh

Clinton Lake State Recreation Area (4:00 p.m. daily closing)

East Conant Field (open only to hunters possessing a valid quality upland permit for the area)

Fox Ridge State Park (woodcock only; 4:00 p.m. daily closing)

Harry "Babe" Woodvard State Natural Area (woodcock only; closes October 31)

Hidden Springs State Forest (4:00 p.m. daily closing)

Kickapoo State Park (woodcock only; 4:00 p.m. daily closing; closed during firearm deer season)

Lake Shelbyville - Eagle Creek State Park (woodcock only; 4:00 p.m. daily closing; closes opening day of site's pheasant season)

Lake Shelbyville - Kaskaskia and West Okaw Wildlife Management Area (4:00 p.m. daily closing)

Little--Vermilion-River-State-Natural-Area-(woodcock-only)-closes October-31

Middle Fork Middlefork Fish and Wildlife Area (woodcock only; 4:00 p.m. daily closing; closed during firearm deer season)

Moraine View State Park (woodcock only; 4:00 p.m. daily closing; season closes the day before site's controlled pheasant season)

Newton Lake Fish and Wildlife Area (woodcock only; closed during firearm deer season)

Sanganois State Fish and Wildlife Area

Sato Field (open only to hunters possessing a valid quality upland permit for the area)

Site M (hunters are restricted to the Open Unit portion of the site during the controlled pheasant season, except those hunters who possess a valid quality unit upland permit)

Ten Mile Creek Fish and Wildlife Area (non-toxic shot only for woodcock hunting in waterfowl rest areas)

d) Teal hunting; statewide regulations as provided for in this Part shall apply on the following sites, except no permanent blinds allowed except as authorized in 17 Ill. Adm. Code 590.15, 590.20, 590.40 and 590.50 (exceptions are in parentheses):

Anderson Lake Conservation Area

Blanding Wildlife Area

Cache River State Natural Area

Campbell Pond Wildlife Management Area

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Carlisle Lake Lands and Waters - Corps of Engineers managed lands (waters of Peppenhorst Branch and Allen Branch north of the buoys only)

Chain O'akes State Park (hunting is allowed only from numbered blind sites; the blinds need not be completed)

Carlisle Lake Wildlife Management Area

Chauncey Marsh (permit required)

Coffeen Lake State Fish and Wildlife Area (hunters must obtain free permit from site office prior to hunting; hunters must return the permit and report harvest by February 15 of the following year or hunting privileges for the following season will be forfeited; hunting from staked sites only; no permanent blinds; hunting by boat access only; no cutting vegetation on site; hunting north of railroad tracks only; hunting hours from legal opening to 9 a.m.; fishing allowed between the railroad tracks and the county road after 10 a.m.; four hunters per blind site)

Des Plaines Conservation Area (hunting is allowed only from numbered blind sites; the blinds need not be completed)

Dog Island Wildlife Management Area

Ft. de Chartres Historic Site (hunting is allowed from anchored, portable boat blinds only)

Horseshoe Lake State Park (Madison County) (hunting is allowed only from numbered blind sites; blind builders must claim their blinds 1/2 hour before shooting time each day or blind is open to the public; blinds need not be completed)

Horseshoe Lake Conservation Area - Public Hunting Area (Alexander County)

Kaskaskia River State Fish and Wildlife Area

Kidd Lake State Natural Area (hunters must check in and out and report harvest each day; hunter quota filled ~~hunting-from-stake locations-only~~; on a first come-first served basis; cutting of vegetation is prohibited)

Lake Shelbyville - Kaskaskia and West Okaw Wildlife Management Areas (site permit described in subsection (c) applies)

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NOTICE OF ADOPTED AMENDMENTS

Lake Shelbyville - Corps of Engineers Managed Lands and Waters

Lake Simmsippi Conservation Area

Marshall State Fish and Wildlife Area - all management units ~~(Spring Branch Unit & Sparland Unit)~~

Mississippi River Fish and Waterfowl Management Area (Mississippi River Pools 25 and 26) (blind builders must claim their blinds one-half hour before shooting time or the blind is open for that day's hunt)

Mississippi River Pools 16, 17 and 18

Mississippi River Pools 21, 22 and 24

Oakford Conservation Area

Ray Norbut Fish and Wildlife Area

Reed Lake Project Lands and Waters

Rice Lake Fish and Wildlife Area (check in and check out required; sunrise until 1:00 P.m.)

Saline County Fish and Wildlife Area

Sanganois State Fish and Wildlife Area (permit required)

Snake Den Hollow Fish and Wildlife Area/Victoria Pheasant Habitat Area

Stephen A. Forbes State Park (walk-in hunting in the subimpoundment only)

Ten Mile Creek State Fish and Wildlife Area (permit required)

Turkey Bluffs State Fish and Wildlife Area

Union County Conservation Area

Woodford Fish and Wildlife Area

e) Crow Hunting

1) Statewide regulations as provided for in this Part shall apply at the following sites (season dates in parentheses):

Mississippi River Pools 16, 17, 18

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Panther Creek Conservation Area

Ray Norbut Fish and Wildlife Area

Sanganois State Fish and Wildlife Area (July 1 through August 15; day after goose season closes through March 1; non-toxic shot only; permit required)

- 2) Statewide regulations as provided for in this Part shall apply except hunting is permitted only during the second portion of the season at the following sites (season dates in parentheses):

Anderson Lake Conservation Area

Big Bend State Fish and Wildlife Area

Big River State Forest

Green River State Wildlife Area (January 1 - statewide closing)

- 3) All hunters must make a reasonable effort to retrieve downed birds. All crows must be removed from the site by the hunter.

(Source: Amended 28 1989, 23 Ill. Reg. 9033, effective JUL 28 1989)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Dove Hunting

- 2) Code Citation: 17 Ill. Adm. Code 730

- 3) Section Numbers: 730.20 Adopted Action:
Amendments

- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.9, 2.10 and 2.11].

- 5) Effective Date of Amendments: July 28, 1999

- 6) Does this rulemaking contain an automatic repeal date? No

- 7) Does this amendment contain incorporations by reference? No

- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

- 9) Notice of Proposal Published in Illinois Register: April 23, 1999, 23 Ill. Reg. 4648

- 10) Has JCAR issued a Statement of Objections to these amendments? No

- 11) Differences between proposal and final version: Section 730.20(b)(2) - deleted "Newton Lake Fish and Wildlife Area (dove management units only)".

- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

- 13) Will this rulemaking replace an emergency rule currently in effect? No

- 14) Are there any amendments pending on this Part? No

- 15) Summary and Purpose of Rulemaking: This Part was amended to add and delete sites and add site specific regulations.

- 16) Information and questions regarding these adopted amendments shall be directed to:

Jack Price
Department of Natural Resources
524 S. Second Street, Room 430
Springfield IL 62701-1787
217/782-1809

DEPARTMENT OF NATURAL RESOURCES
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The full text of the adopted amendments begins on the next page:

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 730
DOVE HUNTING

Section

730.10 Statewide Regulations
730.20 Regulations at Various Department-Owned or -Managed Sites
730.30 Youth and Youth/Adult Dove Hunts at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.9, 2.10 and 2.11].

SOURCE: Adopted at 5 Ill. Reg. 8792, effective August 25, 1981; codified at 5 Ill. Reg. 10644; amended at 6 Ill. Reg. 9631, effective July 21, 1982; emergency amendment at 6 Ill. Reg. 10040, effective August 2, 1982, for a maximum of 150 days; emergency expired December 30, 1982; amended at 7 Ill. Reg. 10767, effective August 24, 1983; emergency amendment at 7 Ill. Reg. 10999, effective August 24, 1983, for a maximum of 150 days; amended at 8 Ill. Reg. 13680, effective July 25, 1984; amended at 9 Ill. Reg. 11601, effective July 16, 1985; emergency amendment at 9 Ill. Reg. 14025, effective September 4, 1985, for a maximum of 150 days; amended at 10 Ill. Reg. 15590, effective September 16, 1986; amended at 11 Ill. Reg. 9526, effective May 5, 1987; amended at 11 Ill. Reg. 11346, effective June 10, 1987; amended at 12 Ill. Reg. 12186, effective July 15, 1988; amended at 13 Ill. Reg. 10513, effective June 15, 1989; amended at 14 Ill. Reg. 11193, effective June 29, 1990; amended at 15 Ill. Reg. 9951, effective June 24, 1991; amended at 16 Ill. Reg. 11041, effective June 30, 1992; amended at 17 Ill. Reg. 10761, effective July 1, 1993; amended at 18 Ill. Reg. 10009, effective June 21, 1994; amended at 19 Ill. Reg. 10586, effective July 1, 1995; amended at 20 Ill. Reg. 10861, effective August 5, 1996; amended at 21 Ill. Reg. 11700, effective August 12, 1997; amended at 22 Ill. Reg. 14792, effective August 3, 1998; amended at 23 Ill. Reg. 9043, effective JUL 28 1999.

Section 730.20 Regulations at Various Department-Owned or -Managed Sites

- a) All the regulations in 17 Ill. Adm. Code 510 - General Hunting and Trapping apply in this Section, unless this Section is more restrictive.
- b) General Regulations
 - 1) Hunters shall possess only bismuth or lead shot size #7 1/2, 8, 9 or size #6 steel or smaller for taking of doves, except as noted under subsection (b)(2), and except these restrictions do not apply during the November portion of dove season.
 - 2) Only non-toxic shot (as defined by the U.S. Fish and Wildlife

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Service in 50 CFR 20), #6 steel shot or #7 1/2 Bismuth shot or smaller may be possessed on the following areas:

Anderson Lake Conservation Area

Banner Marsh Fish and Wildlife Area

Big Bend State Fish and Wildlife Area (#)

Cache River State Natural Area

Carlyle Lake Wildlife Management Area (subimpoundments only)

Chain O'Lakes State Park

Eldon Hazlet State Park

Green River State Wildlife Area

Hennepin Canal Parkway State Park

Horseshoe Lake Conservation Area (Alexander County)

Horseshoe Lake State Park (Madison County)

Johnson-Sauk Trail State Park

Kaskaskia River State Fish & Wildlife Area (designated areas)

Lake Shelbyville - Kaskaskia and West Okaw Wildlife Management Areas (waterfowl management units and designated non-toxic shot units only)

Maukino State Fish and Wildlife Area

Mississippi River State Fish and Wildlife Area (Pools 25 and 26)

Newton--Lake--Fish--and-Wildlife-Area-(dove-management-units only)

Peabody River King State Fish and Wildlife Area

Rend Lake Project Lands and Waters

Sand Prairie Habitat Area

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Sanganois State Fish and Wildlife Area

Sangchris Lake State Park

Shabbona Lake State Park

Snake Den Hollow State Fish and Wildlife Area

Ten Mile Creek Fish & Wildlife Area (areas posted as rest area on the Eads Mine and Belle River Units)

Union County Conservation Area

Wayne Fitzgerald State Recreation Area

3) On areas where hunters are required to hunt from marked or staked sites, hunters must hunt within 10 feet of the marked site.
4) No hunting is allowed within 100 yards of a designated dove management field except for hunters who are part of the hunter quota for that field.

5) At sites indicated by (#), hunters are required to check in and/or sign out as provided for in 17 Ill. Adm. Code 510.
6) At sites where additional regulations apply, they are noted in parentheses after the site name.

7) Hunting hours and hunting dates at all sites that are open during the upland game season shall coincide with hunting hours and hunting dates listed for the respective sites listed in 17 Ill. Adm. Code 530.

c) Statewide season regulations as provided for in this rule shall apply at the following sites:

Argyle Lake State Park (season opens day after Labor Day)(#)

Bradford Pheasant Area (permit required)

Cache River State Natural Area (#)

Campbell Pond Wildlife Management Area (#)

Carlyle Lake Lands and Waters - Corps of Engineers managed lands (#)

Chauncey Marsh (permit required; may be obtained at Red Hills State Park headquarters; permits must be returned by 15 February)

Cypress Pond State Natural Area (#)

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- Dog Island Wildlife Management Area (#)
- East Conant Field (permit required; must be returned by February 15)
- Perne Clyffe State Park (#)
- Ft. de Chartres State Historic Site (muzzleloading shotgun only) (#)
- Ft. Massac State Park (#)
- Freeman Mine (permit required)
- Hallsville Habitat Area (permit required)
- Harry "Babe" Woodyard State Natural Area (permit required)
- Berschel Workman Habitat Area (permit required)
- Hurricane Creek Habitat Area (permit required)
- ~~Kankakee-Lake-Fish-and-Wildlife-Area-44~~
- Maytown Habitat Area (permit required)
- Mazonia State Fish and Wildlife Area (season closes September 30) (#)
- Mississippi River Pools 16, 17 and 18
- Mississippi River Pools 21, 22, 24
- Oakford Conservation Area
- Panther Creek Conservation Area (#)
- Perdueville Habitat Area (permit required)
- Rend Lake Project Lands and Waters (#)
- Sand Ridge State Forest (#)
- Sangamon County Conservation Area
- Sato Field (permit required; must be returned by February 15)

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- Saybrook Habitat Area (permit required)
- Steward Habitat Area (permit required)
- Tapley Woods State Natural Area (#)
- Ten Mile Creek State Fish and Wildlife Area (permit required; must be returned by February 15)
- Trail of Tears State Forest (#)
- Wildcat Hollow State Forest
- d) Statewide regulations as provided in this Part shall apply at the following sites except that hunting hours are 12 noon to 5 p.m. daily September 1-5; season closes September 30. A drawing will be held at 11 a.m. if more hunters show up than can be accommodated.
- Banner Marsh Fish and Wildlife Area (#)
- Hemepin Canal State Park (#)
- Iroquois County Wildlife Management Area (#)
- Johnson Sauk Trail State Park (#)
- Matthiessen State Park (#)
- Mantino Fish and Wildlife Area (#)
- Morrison Rockwood State Park (#)
- Pyramid State Park (#)
- Sanganois State Fish and Wildlife Area
- Snake Den Hollow Fish and Wildlife Area (#)
- Victoria Pheasant Habitat Area (#)
- e) Statewide regulations as provided for in this Part shall apply at the following sites, except that hunting hours are 12 noon to 5 p.m. daily September 1-5. A drawing will be held at 11 a.m. if more hunters show up than can be accommodated.
- Anderson Lake Conservation Area (#)
- ~~Big-Bend-State-Fish-and-Wildlife-Area-44~~

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Washington County Conservation Area (closes October 14) (#)

Weinberg-King State Park (#)

f) Statewide regulations as provided for in this Part shall apply at the following sites, except that hunting hours are 12 noon to 5 p.m. daily September 1-30. A drawing will be held at 11 a.m. if more hunters show up than can be accommodated.

Crawford County State Fish and Wildlife Area (#)

Hamilton County State Fish and Wildlife Area (#)

Horseshoe Lake State Conservation Area (#)

I-24 Wildlife Management Area (#)

Lake Le Aqua Na State Park (#)

Mermet Lake State Fish and Wildlife Area (#)

Mt. Vernon Game Propagation Center (#)

Newton Lake Fish and Wildlife Area (dove management units) (#)

Ramsey Lake State Park (#)

Red Hills State Park (#)

Saline County State Fish and Wildlife Area (#)

Sam Dale Lake Conservation Area (#)

Sam Parr State Park (#)

Stephen A. Forbes State Park (#)

Jubilee College State Park (#)

Shabbona Lake State Park (#)

Siloam Springs State Park (#)

Wayne Fitzgerald State Recreation Area (season opens day after Labor Day) (closes September 30)

g) Statewide regulations apply except that hunting hours are 12 noon to 5 p.m. from September 1-5; hunters must obtain a free permit from the

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Big River State Forest (#)

Carlyle Lake Wildlife Management Area (#)

Chain O'Lakes State Park (closes September 5) (#)

Clinton Lake State Recreation Area (dove management fields only) (#)

Eldon Hazlet State Park (closes October 14) (#)

Fox Ridge State Park (dove management fields only)

Giant City State Park (#)

Hidden Springs State Forest (dove management fields only)

Kaskaskia River State Fish and Wildlife Area (Doza Creek Waterfowl Management Area closes October 14) (#)

Kinkaid Fish and Wildlife Area (#)

Lake Shelbyville - Kaskaskia and West Okaw Wildlife Management Areas (dove management fields only)

Marcellus Wildlife Area (After Labor Day, site is closed on Fridays, Saturdays, and Sundays through October) (#)

Middle Fork Wadefork Fish and Wildlife Management Area (dove management fields only) (#)

Mississippi River Fish and Waterfowl Management Area (Pools 25 and 26)

Moraine View State Park (dove management fields only; season closes October 14) (#)

Peabody River King State Fish and Wildlife Area (east subunit closes October 14) (#)

Randolph County State Conservation Area (#)

Ray Norbut State Fish and Wildlife Area (#)

Turkey Bluffs State Fish and Wildlife Area (#)

Union County State Fish and Wildlife Area (season closes October 14) (#)

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Department; permits must be in possession while hunting on the site. Permit must be returned and harvest reported by February 15 or hunter will forfeit hunting privileges for that site for the following season.

Clinton Lake State Recreation Area (except dove management fields)

Coffeen Lake State Fish and Wildlife Area

Fox Ridge State Park (except dove management units; shooting hours after September 3 are 12 noon to sunset)

Hidden Springs State Forest (except dove management fields; shooting hours after September 5 are 12 noon to sunset)

Kickapoo State Park

Lake Shelbyville - Eagle Creek State Park (season opens day after Labor Day; closes October 14; shooting hours are 12 noon to sunset)

Lake Shelbyville - Kaskaskia and West Okaw Wildlife Management Areas (except dove management fields; shooting hours after September 5 are 12 noon to sunset)

Ettie-Vermilion-River-State-Naturel-Area

Middle Fork Middlefork Fish and Wildlife Area (except dove management units)

Moraine View State Park (except dove management fields; season closes October 14)

Newton Lake Fish and Wildlife Area (except dove management units)

h) Permit Areas

- 1) Permit Season Regulations
 - A) Permit season dates shall be September 1-5 and hunting hours are 12 noon to 5:00 p.m. at the sites listed at the end of this subsection.

- B) Permit Applications
 - Applicants must contact the Department to obtain a permit reservation. Starting dates and methods for making reservation will be publicly announced. Applicants making reservations will be sent confirmation. Up to 6 reservations, but only one per applicant, may be made. Multiple reservations for the same person will not be

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accepted; further, persons attempting to make multiple reservations will forfeit the privilege to obtain a reservation for that season.

- C) Each person may apply for only one area and receive one permit per season. An applicant may reapply only if his previous application was unsuccessful.

- D) Hunting at these areas is by special permit only for the first five days of the season; thereafter, no permits are required for hunting these sites, except at Site M as indicated in subsection (h)(3). All permits will be issued from Springfield and not from the site, except at Site M as indicated in subsection (h)(3).

- E) Check in time for registration shall be between 9 a.m. and 11 a.m. each day. Openings after 11 a.m. will be filled by drawing for standbys if more hunters register than there are vacancies.

- F) All hunters must wear a DNR issued backpatch.

2) Non-Permit Season Regulations

- A) Non-permit season shall be September 6-30 except as indicated in parentheses.
- B) Non-permit hunting hours shall be 12 noon - sunset except as indicated in parentheses.
- C) No permits are required except as indicated in parentheses.
- D) Check in and check out is required except as indicated in parentheses.
- E) Hunter quotas will be filled on a first come-first served basis.

3) Sites

Des Plaines Conservation Area (non-permit hunting hours are 12 noon - 5 p.m.)

Edward R. Madigan State Park Fish-and-Wildlife-Area

Green River State Wildlife Area/Haecher Sand Prairie Habitat Area (non-permit hunting hours are sunrise - sunset)

Horseshoe Lake State Park (Madison County) (non-permit hunting hours are 12 noon - 5 p.m.)

Kankakee River State Park

Mackinaw River State Fish and Wildlife Area (non-permit ~~nonpermt~~ hunting hours 12 noon to 5 p.m.)

Sangchris Lake State Park (closed after Sunday of the third weekend in September)

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Silver Springs State Park (Closed during National Bunting and Fishing Day Weekend)

Site M (non-permit season closes with statewide dove season closing; non-permit season is governed by statewide regulations, permit required as indicated in subsection (g) above; on the Controlled Unit only those hunters engaged in the controlled pheasant hunting program may take doves during the November portion of the dove season; on the Quail Management Unit only those hunters with Quail Management Unit Permits may take doves during the November portion of the dove season)

(Source: Amended at 23 Ill. Reg. 9043, effective July 28 1999)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Muskrat, Mink, Raccoon, Opossum, Striped Skunk, Weasel, Red Fox, Gray Fox, Coyote, Badger, Beaver and Woodchuck (Groundhog) Trapping
- 2) Code Citation: 17 Ill. Adm. Code 570
- 3) Section Numbers: Adopted Action:
570.40 Amendments
- 4) Statutory Authority: Implementing and authorized by Sections 1.2, 1.3, 2.30, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 2.30, 2.33 and 3.5].
- 5) Effective Date of Amendments: July 28, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: April 23, 1999, 23 Ill. Reg. 4660
- 10) Has JCRR issued a Statement of Objections to these amendments? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCRR been made as indicated in the agreements issued by JCRR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part was amended to add a regulation at Mackinaw River State Fish and Wildlife Area regarding water sets only.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Jack Price
Department of Natural Resources
524 S. Second Street, Room 430
Springfield IL 62701-1787
217/782-1809

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF ADOPTED AMENDMENTS

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 570

MUSKRAT, MINK, RACCOON, OPOSSUM, STRIPED SKUNK, WEASEL,
RED FOX, GRAY FOX, COYOTE, BADGER, BEAVER AND WOODCHUCK (GROUNDHOG)
TRAPPING

Section

570.10 Statewide Zones

570.20 Statewide Season Dates

570.30 Statewide Hours, Daily Limit and Possession Limit

570.35 Use of .22 Rimfire Rifles by Trappers During Deer Gun Season

570.40 Trapping Regulations on Department-Owned, -Leased or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 2.30, 2.33 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 2.30, 2.33 and 3.5].

SOURCE: Adopted at 5 Ill. Reg. 9767, effective September 17, 1981; codified at 5 Ill. Reg. 10637; amended at 6 Ill. Reg. 10709, effective August 20, 1982; amended at 7 Ill. Reg. 10778, effective August 24, 1983; amended at 8 Ill. Reg. 21589, effective October 23, 1984; amended at 9 Ill. Reg. 15864, effective October 7, 1985; amended at 10 Ill. Reg. 16644, effective September 24, 1986; amended at 12 Ill. Reg. 12034, effective July 7, 1988; emergency amendments at 12 Ill. Reg. 16261, effective September 23, 1988, for a maximum of 150 days; emergency expired February 20, 1989; amended at 13 Ill. Reg. 10589, effective June 15, 1989; amended at 14 Ill. Reg. 14775, effective September 4, 1990; amended at 14 Ill. Reg. 19854, effective December 3, 1990; amended at 15 Ill. Reg. 11586, effective August 2, 1991; amended at 16 Ill. Reg. 11069, effective June 30, 1992; amended at 17 Ill. Reg. 10785, effective July 1, 1993; amended at 17 Ill. Reg. 18796, effective October 19, 1993; amended at 18 Ill. Reg. 10077, effective June 21, 1994; amended at 19 Ill. Reg. 12640, effective August 29, 1995; amended at 20 Ill. Reg. 12351, effective August 30, 1996; amended at 21 Ill. Reg. 9070, effective June 26, 1997; amended at 22 Ill. Reg. 14809, effective August 3, 1998; amended at 23 Ill. Reg. ~~9045~~, effective July 28 1999.

Section 570.40 Trapping Regulations on Department-Owned, -Leased or -Managed Sites

a) General Regulations

- 1) All the regulations in 17 Ill. Adm. Code 510--General Hunting and Trapping apply in this Section, unless this Section is more restrictive.
- 2) On areas where special Department tags are required for trappers, traps without tags attached will be subject to confiscation.
- 3) Trappers must stay within assigned areas.

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- 4) For sites where permits are required a drawing shall be held prior to the opening of the season. The date of the drawing shall be announced by the Department by public announcement and the drawing shall be held at the site. Persons participating in the drawing must have either a current or previous year trapping license. The number of permits per site shall be determined pursuant to 17 Ill. Adm. Code 510.20. Permit applicants must submit name and address to the site prior to drawing. Permits must be in possession while trapping on the area.
- 5) All sites except Blanding Wildlife Area, Kinkaid Lake Fish and Wildlife Area, Mississippi River Pools 16, 17, 18, 21, 22, 24, and Rend Lake Wildlife Management Area require trappers to submit a harvest report to the site superintendent within 20 days following the close of the trapping season. Failure to report shall result in the trapper being ineligible to trap at that site for the following year.
- 6) Body-gripping traps with a 10-inch jaw spread or larger must be totally submerged in water when set.
- 7) Any person who violates the site specific regulations shall be guilty of a Class B Misdemeanor.
- 8) No trapping is permitted in subimpoundments or designated waterfowl management units during duck season.
- b) Statewide regulations as provided for in this Part apply at the following sites (exceptions in parentheses):

Blanding Wildlife Area (trapping area includes the islands and associated backwater sloughs immediately upstream from Lock and Dam 12; no trapping on mainland)

Kinkaid Lake Fish and Wildlife Area

Mississippi River Pools 16, 17, 18, 21, 22, 24

Pyramid State Park (water sets only)

Ray Norbut State Fish and Wildlife Area (all trapping closes December 15 in Eagle Roost Area)

Rend Lake Project Lands and Waters (water sets only)

Siloam Springs State Park

- c) Statewide regulations as provided for in this Part apply at the following sites; in addition, a permit is required; only Egg Traps, D-P (Dog-Proof) Traps, box traps, cage traps, and traps of similar design may be used for land sets (exceptions in parentheses):

Cache River State Natural Area

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Carlyle Lake Lands and Waters - Corps of Engineers Managed Lands

Carlyle Lake Wildlife Management Area

Clinton Lake Recreation Area

Coffeen Lake State Fish and Wildlife Area Park

Cypress Pond State Natural Area

Dog Island Wildlife Management Area

East Conant Field

Eldon Hazlet State Park - north of Allen Branch and west of Peppenhorst Branch only

Ferne Clyffe State Park - Cedar Draper Bluffs Hunting Area

Fort de Chartres Historic Site

Harry "Babe" Woodyard State Natural Area

Horseshoe Lake Conservation Area

I & M Canal State Park

Kaskaskia River Fish and Wildlife Area (Doza Creek Waterfowl Management Area closed 7 days prior to duck season)

Kidd Lake State Natural Area

Lake Murphysboro State Park

Lake Shelbyville West Okaw and Kaskaskia Fish and Wildlife Area

Little-Vermilion-River-State-Natural-Area

Mermet Lake Fish and Wildlife Area

Mississippi River Fish and Waterfowl Area (Pools 25, 26)

Moraine Hills State Park (water sets only; only body-gripping traps with a jaw spread of 5 inches or less may be used; no more than two persons may enter drawing on a single card)

Panther Creek Conservation Area

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Peabody River King Fish and Wildlife Area (east, west, and south subunits only)

Randolph County Conservation Area

Redwing Slough/Deer Lake State Natural Area (water sets only; only body gripping traps with a jaw spread of 5-6 inches or less may be used)

Sanganois Fish and Wildlife Area

Sato Field

Site M (only Egg Traps (Registered Trademark), D-P (Dog Proof) Traps (Registered Trademark), box traps, cage traps, and traps of similar design may be used)

Ten Mile Creek State Fish and Wildlife Area

Turkey Bluffs Fish and Wildlife Area

Washington County Conservation Area

d) Statewide regulations as provided for in this Part apply at the following sites; in addition, a permit is required; only Egg Traps, D-P (Dog-Proof) Traps, box traps, cage traps, and traps of similar design may be used for land sets; only body-gripping traps with a jaw spread of 5 inches or less, foothold traps with a jaw spread of 4 1/2 inches or less and square body-gripping traps with a 10 inch jaw spread may be used for water sets (exceptions in parentheses):

Anderson Lake Conservation Area

Argyle Lake State Park

Banner Marsh State Fish and Wildlife Area

Big Bend Fish and Wildlife Area (after the close of rabbit season foothold traps with a jaw spread of 7 1/2 inches or less may be used for water sets)

Coleta Ponds

Grant City State Park

Hennepin Canal Parkway including Mississippi Lake (trappers must register at park office; no floats may be set more than 14 days prior to the season and must be removed at the conclusion of the

DEPARTMENT OF NATURAL RESOURCES

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season; no land sets)

Horseshoe Lake State Park-Madison County

Johnson-Sauk Trail State Park

Lake Le-Aqua-Na State Park

Mackinaw River State Fish and Wildlife Area (water sets only)

Marshall County Fish and Wildlife Area

Morrison Rockwood State Park

Rice Lake Fish and Wildlife Area

Rock Cut State Park

Sangchris Lake State Park

Shabbona Lake State Park

Sparland Fish and Wildlife area

Spring Lake Conservation Area (water sets only)

Starved Rock/Mathiessen State Park

Trail of Tears State Forest

Union County Conservation Area

e) Trapping is prohibited on all other Department-Owned, -leased or -managed sites except by special permit which shall be issued by the Department when it is determined that the harvest of a species would enhance the biological balance of the resource.

- 1) All regulations shall be according to species regulations as provided for in this Part.
- 2) Permit application information and site specific regulations shall be announced publicly by the Department through the news media by September 1 of each year.
- 3) Site specific regulations shall be listed on the application and permit and posted at the site.

(Source: Amended at 23 Ill. Reg. 9055, effective July 20, 1999)

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Operation of Watercraft Carrying Passengers for Hire on Illinois Waters

2) Code Citation: 17 Ill. Adm. Code 2080

3) Section Numbers:
2080.60
2080.70

Adopted Action:
Amendments
Amendments

4) Statutory Authority: Implementing and authorized by Sections 2-1, 2-2, 7-1, 7-2, 7-3, 7-4, 7-5, 7-6, 7-7, 7-8, 7-9 and 8-3 of the Boat Registration and Safety Act [625 ILCS 45/2-1, 2-2, 7-1, 7-2, 7-3, 7-4, 7-5, 7-6, 7-7, 7-8, 7-9 and 8-3].

5) Effective Date of Amendments: July 28, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: April 23, 1999, 23 Ill. Reg. 4667

10) Has JCAR issued a Statement of Objections to these amendments? No

11) Differences between proposal and final version: Section 2080.60(a)(4) - "and" was added following "Guard"; "DOT" was changed to "USDOG" and "Drug Testing Regulations" was put in all lower case letters.

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: This Part was amended to add language that persons operating or serving as crew members must carry with them on board the vessel at all times proof of compliance with the U.S. Coast Guard and DOT drug testing regulations and to amend the license renewal date to bring it into compliance with the Boat Registration and Safety Act.

16) Information and questions regarding these adopted amendments shall be

directed to:

Jack Price
Department of Natural Resources
524 S. Second Street, Room 430
Springfield, IL 62701-1787
217/782-1809

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER e: LAW ENFORCEMENT

PART 2080
OPERATION OF WATERCRAFT CARRYING PASSENGERS
FOR HIRE ON ILLINOIS WATERS

- Section
2080.10 Introduction
2080.20 Definitions
2080.30 Applicability
2080.40 Dry Dock Inspection
2080.50 Dockside Inspection
2080.60 Licensing Requirements
2080.70 License and Decal
2080.75 Rental Boats
2080.80 Misuse of License or Decal
2080.90 Suspension and Revocation of Decals and Licenses

AUTHORITY: Implementing and authorized by Sections 2-1, 2-2, 7-1, 7-2, 7-3, 7-4, 7-5, 7-6, 7-7, 7-8, 7-9 and 8-3 of the Boat Registration and Safety Act [625 ILCS 45/2-1, 2-2, 7-1, 7-2, 7-3, 7-4, 7-5, 7-6, 7-7, 7-8, 7-9 and 8-3].

SOURCE: Adopted at 20 Ill. Reg. 15697, effective December 2, 1996; amended at 22 Ill. Reg. 10491, effective June 1, 1998; amended at 23 Ill. Reg. 9062, effective JUL 28 1999.

Section 2080.60 Licensing Requirements

- a) Navigable Waters (U.S. Coast Guard License)
 - 1) All persons operating watercraft carrying passengers on the navigable waters of this State shall have a license issued to them by the United States Coast Guard authorizing the operation of navigation of vessels carrying passengers for hire, under the provisions of 46 CFR Subchapters T, K, K', and H.
 - 2) Licensed operators shall only be authorized to operate vessels designated by the license, and on bodies of water so designated on the license.
 - 3) The license shall be kept in full force and effect and conspicuously displayed and shall be framed under transparent material. Where posting is impractical, the license shall be carried on board to be shown on demand.
 - 4) All persons operating or serving as a crew member on board any watercraft carrying passengers for hire on the navigable waters of this State shall carry with them on board the vessel at all times proof of compliance with U.S. Coast Guard and USDOT drug

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testing regulations Brug--Seating-Regulations (46 CFR 16 and 49 CFR 40).

- b) Inland Waters
No U.S. Coast Guard license, as described in subsection (a), shall be required for watercraft operating solely on inland waters.

(Source: Amended at 23 Ill. Reg. 9062, effective JUL 28 1999.)

Section 2080.70 License and Decal

- a) Upon satisfactory completion of the required dry dock and annual dockside inspections, the owner shall forward to the Department the original marine inspection report on the form provided by the Department, along with an application for a "Passengers for Hire" license. The Department shall issue a "Passengers for Hire" license which shall expire on March 1 May-31 of the following year. ~~that the Department may extend the expiration date for a period not to exceed 30 days when extreme weather conditions exist.~~
b) The "Passengers for Hire" license shall be framed under transparent material and posted in a conspicuous place on the vessel. Where posting is impractical, the license shall be kept on board to be shown on demand.
c) The Department shall issue one expiration validation decal with each license. The decal shall be prominently displayed upon the side of the watercraft as close to the operators' position as possible, per instructions provided by the Department.

(Source: Amended at 23 Ill. Reg. 9062, effective JUL 28 1999.)

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NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and Woodchuck (Groundhog) Hunting

2) Code Citation: 17 Ill. Adm. Code 550

3) Section Numbers: Adopted Action:
550.30 Amendments

4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 3.5, 3.27, 3.28 and 3.29 of the Wildlife Code (520 ILCS 5/1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 2.33, 3.5, 3.27, 3.28 and 3.29).

5) Effective Date of Amendments: July 28, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: April 23, 1999, 23 Ill. Reg. 4671

10) Has JCAR issued a Statement of Objections to these amendments? No

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: This Part is being amended to open and close State-owned or-managed sites.

16) Information and questions regarding these adopted amendments shall be directed to:

Jack Price
Department of Natural Resources
524 S. Second Street, Room 430
Springfield IL 62701-1787
217/782-1809

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER I: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 550
RACCOON, OPOSSUM, STRIPED SKUNK, RED FOX, GRAY FOX, COYOTE
AND WOODCHUCK (GROUNDHOG) HUNTING

Section 550.10 General Regulations

550.20 Statewide Regulations

550.30 Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and
Woodchuck (Groundhog) Hunting on Department-Owned, -Leased or -Managed
Sites

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.13, 2.1, 2.2, 2.6, 2.7, 2.30, 3.5, 3.27, 3.28 and 3.29.

SOURCE: 5 Ill. Reg. 8833, effective August 25, 1981; codified at 5 Ill. Reg. 10636; emergency amendment at 5 Ill. Reg. 11593, effective October 20, 1981, for a maximum of 150 days; emergency expired March 17, 1982; amended at 6 Ill. Reg. 10714, effective August 20, 1982; amended at 7 Ill. Reg. 10782, effective August 24, 1983; amended at 7 Ill. Reg. 16098, effective November 22, 1983; amended at 8 Ill. Reg. 21593, effective October 23, 1984; amended at 9 Ill. Reg. 16204, effective October 9, 1985; emergency amendment at 9 Ill. Reg. 18151, effective November 12, 1985, for a maximum of 150 days; emergency expired April 11, 1986; amended at 10 Ill. Reg. 16649, effective September 22, 1986; amended at 11 Ill. Reg. 9540, effective May 5, 1987; amended at 12 Ill. Reg. 11730, effective June 30, 1988; amended at 13 Ill. Reg. 10598, effective June 19, 1989; amended at 14 Ill. Reg. 10798, effective June 20, 1990; amended at 15 Ill. Reg. 11598, effective August 2, 1991; amended at 16 Ill. Reg. 11078, effective June 30, 1992; amended at 17 Ill. Reg. 10795, effective July 1, 1993; amended at 18 Ill. Reg. 10090, effective June 21, 1994; amended at 19 Ill. Reg. 11787, effective August 3, 1995; amended at 20 Ill. Reg. 10874, effective August 5, 1996; amended at 21 Ill. Reg. 9077, effective June 26, 1997; amended at 22 Ill. Reg. 14836, effective August 3, 1998; amended at 23 Ill. Reg. ~~9066~~, effective July 28, 1999.

**Section 550.30 Raccoon, Opossum, Striped Skunk, Red Fox, Gray Fox, Coyote and
Woodchuck (Groundhog) Hunting on Department-Owned, -Leased or -Managed Sites**

- a) All the regulations in 17 Ill. Adm. Code 510-General Hunting and trapping apply in this Section, unless this Section is more restrictive.
- b) For sites where hunter quotas exist and permits are required a drawing shall be held prior to the opening of the season. The date of the drawing shall be announced by the Department by public announcement

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and the drawing shall be held at the site. The number of permits per site shall be determined pursuant to 17 Ill. Adm. Code 510.20.

- c) .22 rimfire firearms permitted from sunset to sunrise unless otherwise specified.
- d) Coyote and striped skunk season shall coincide with the statewide fox season unless otherwise specified.
- e) No woodchuck (groundhog) hunting allowed unless otherwise specified.
- f) Statewide regulations as provided for in this rule apply at the following sites (exceptions are in parentheses):

Anderson Lake Conservation Area (all hunting to begin after the close of duck season)

Apple River Canyon State Park

Argyle Lake State Park

Banner Marsh State Fish and Wildlife Area

Big Bend State Fish and Wildlife Area

Big River State Forest

CACHE River State Natural Area

Campbell Pond Wildlife Management Area

Carlyle Lake Lands and Waters - Corps of Engineers Management Lands

Carlyle Lake Wildlife Management Area (subimpoundment area closed 7 days prior to and during the southern zone waterfowl season)

Cypress Pond State Natural Area

Dog Island Wildlife Management Area

Eldon Hazlet State Park (north of Allen Branch and west of Peppenhorst Branch)

Ferne Clyffe State Park - Cedar Draper Bluffs Hunting Area

Fort de Chartres Historic Site (muzzleloading firearms or bow and arrow only)

Horseshoe Lake Conservation Area - Alexander County (Public Hunting Area except Controlled Hunting Area)

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I-24 Wildlife Management Area

Johnson Sauk Trail State Park (archery only; coyote and fox only; season shall coincide with archery deer season on this site)

Kaskaskia River State Fish and Wildlife Area (Doza Creek Waterfowl Management Area closed 7 days prior to and during duck season)

Kinkaid Lake Fish and Wildlife Area

Marseilles Wildlife Area (coyote and fox only; fox statewide season; coyote opens with fox season - February 28; hunting hours 1/2 hour before sunrise - sunset)

Marshall County Fish and Wildlife Area (raccoon, opossum only; season opens day after duck season)

Mississippi River Fish and Waterfowl Management Area (Pools 25 and 26)

Mississippi River Pools 16, 17, 18, 21, 22 and 24 (groundhog hunting allowed) (c)

Oakford Conservation Area

Panther Creek Conservation Area (statewide seasons for coyote and striped skunk)

Peabody River King State Fish and Wildlife Area (West subunit only)

Randolph County Conservation Area

Ray Norbut State Fish and Wildlife Area (all hunting closes December 15 in Eagle Roost Area)

Rend Lake Project Lands and Waters

Sangamon County Conservation Area

~~Sangamon State Fish and Wildlife Area--(statewide--seasons--for coyote--and--striped-skunk)~~

Shawnee National Forest, Oakwood Bottoms and LaRue Scatters (season closes 7 days before opening of duck season and remains closed through the duck season; at Oakwood Bottoms non-toxic shot only)

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Siloam Springs State Park

Tapley Woods State Natural Area (shotguns or muzzleloading rifles only may be used from sunset - sunrise)

Trail of Tears State Forest

Turkey Bluffs State Fish and Wildlife Area

Washington County Conservation Area

Weinburg-King State Park (c)(d)

Wildcat Hollow State Forest

Witkowsky State Wildlife Area (coyote only; season shall coincide with archery and firearm deer season at this site; archery only during the archery season at this site)

Woodford County Fish and Wildlife Area (raccoon, opossum only; season opens after duck season)

- g) Statewide regulations apply except that hunters must obtain a permit from the Department; where hunter quotas exist, permits are allocated as described in subsection(b); permits must be in possession while hunting; the permit must be returned by February 15 or hunter will forfeit hunting privileges at that site the following year (exceptions are in parentheses):

Chauncey Marsh (obtain permit at Red Hills State Park Headquarters)

Clinton Lake State Recreation Area

Coffee Lake State Fish and Wildlife Area (shotgun only)

Crawford County Conservation Area

East Conant Field

Fox Ridge State Park

Green River State Wildlife Area (fox, striped skunk and coyote open January 1 all hunting begins on the day after upland game season;--raccoon--opossum--and--fox--close--with--statewide--season; skunk and coyote close the last day of February)

Hamilton County Conservation Area

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Harry "Babe" Woodward State Natural Area

Hidden Springs State Forest

Iroquois County Wildlife Management Area (season opens the day after Permit Pheasant Season)

Kankakee River State Park (no rifle or handgun hunting allowed; the furbearer hunting season opens the day after the last day of the site's upland hunting seasons through statewide close of respective seasons for furbearers except striped skunk and coyote close with fox season)

Kickapoo State Park

Lake Shelbyville - Kaskaskia and West Okaw Wildlife Management Areas

Lincoln Trail State Park (season opens day after second firearm deer season; closes December 20; hunting hours sunset to sunrise only; raccoon only)

Little-Vermilion-River-State-Natural-Area

Middle Fork Middlefork Fish and Wildlife Management Area

Moraine View State Park (season opens after site's controlled pheasant season; night hunting only)

Ramsey Lake State Park

Saline County Fish and Wildlife Area

Sam Parr State Park

Sand Ridge State Forest

Sanganois State Fish and Wildlife Area (statewide seasons for coyote and striped skunk)

Sangchris Lake State Park (fox, coyote and skunk hunting only; statewide seasons for fox, coyote and stiped skunk except during waterfowl season only hunters pursuing waterfowl or upland game in accordance with site-specific regulations set forth in 17 Ill. Adm. Code 530 and 590 may take fox, coyote and skunk; shotgun only)

Sato Field

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF ADOPTED AMENDMENTS

Site M (statewide seasons for coyote and striped skunk)

Stephen A. Forbes State Park

Ten Mile Creek State Fish and Wildlife Area (statewide coyote, striped skunk, and groundhog hunting allowed)

Walnut Point Fish and Wildlife Management Area (season opens day after second firearm deer season; closes December 20; hunting sunset to sunrise only; raccoon only)

(Source: Amended at 23 Ill. Reg. 9066, effective JUL 28 1999)

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The full text of the adopted amendments begins on the next page:

- 1) Heading of the Part: Squirrel Hunting
- 2) Code Citation: 17 Ill. Adm. Code 690
- 3) Section Numbers: Adopted Action:
690.30 Amendments
- 4) Statutory Authority: Implementing and authorizing by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5].
- 5) Effective Date of Amendments: July 28, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: April 23, 1999, 23 Ill. Reg. 4679
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Differences between proposal and final version: Section 690.30(g) - added a semi-colon following "season".
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: This Part was amended to add a regulation at Mackinaw River State Fish and Wildlife Area regarding water sets only.
- 16) Information and questions regarding these adopted amendments shall be directed to:
Jack Price
Department of Natural Resources
524 S. Second Street, Room 430
Springfield IL 62701-1787
217/782-1809

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION

CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES

SUBCHAPTER b: FISH AND WILDLIFE

PART 690

SQUIRREL HUNTING

Section

690.10 Hunting Seasons

690.20 Statewide Regulations

690.30 Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5 of the Wildlife Code [520 ILCS 5/1.2, 1.3, 1.4, 2.1, 2.2, 2.28 and 3.5].

SOURCE: Adopted at 5 Ill. Reg. 8017, effective July 24, 1981; codified at 5 Ill. Reg. 10642; emergency amendment at 5 Ill. Reg. 11382, effective October 14, 1981, for a maximum of 150 days; emergency expired March 12, 1982; amended at 6 Ill. Reg. 9642, effective July 21, 1982; amended at 7 Ill. Reg. 8809, effective July 15, 1983; emergency amendment at 7 Ill. Reg. 9690, effective August 1, 1983, for a maximum of 150 days; emergency expired December 29, 1983; amended at 8 Ill. Reg. 16789, effective August 30, 1984; amended at 9 Ill. Reg. 11614, effective July 16, 1985; amended at 10 Ill. Reg. 15601, effective September 16, 1986; amended at 11 Ill. Reg. 9549, effective May 5, 1987; amended at 12 Ill. Reg. 12246, effective July 15, 1988; amended at 13 Ill. Reg. 10606, effective June 15, 1989; amended at 14 Ill. Reg. 10816, effective June 20, 1990; amended at 15 Ill. Reg. 10012, effective June 24, 1991; amended at 16 Ill. Reg. 11087, effective June 30, 1992; amended at 17 Ill. Reg. 10842, effective July 1, 1993; amended at 18 Ill. Reg. 8624, effective May 31, 1994; amended at 19 Ill. Reg. 10664, effective July 1, 1995; amended at 20 Ill. Reg. 10882, effective August 5, 1996; amended at 21 Ill. Reg. 9095, effective June 26, 1997; amended at 22 Ill. Reg. 14844, effective August 3, 1998; amended at 23 Ill. Reg. ~~9074~~, effective ~~July 28, 1999~~.

Section 690.30 Regulations at Various Department-Owned or -Managed Sites

- All the regulations in 17 Ill. Adm. Code 510, General Hunting and Trapping on Department-Owned or Managed Sites, apply in this Part, unless this Part is more restrictive.
- Hunting with .22 caliber rimfire firearms or muzzleloading black powder rifles is allowed at those sites listed in the following subsections that are followed by a (1).
- Check-in, check-out and reporting of harvest is required at those sites listed in the following subsections that are followed by a (2).
- Statewide regulations apply at the following sites:

Anderson Lake Conservation Area (2)

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Apple River Canyon State Park - Salem and Thompson Units (2)

Argyle Lake State Park (2)

Big Bend State Fish and Wildlife Area (2)

Big River State Forest (2)

Cache River State Natural Area (1) (2)

Campbell Pond Wildlife Management Area

Carlyle Lake Lands and Waters - Corps of Engineers managed lands (1)

Carlyle Lake Wildlife Management Area (subimpoundment area closed 7 days prior to and during the southern zone waterfowl season) (1)

Chain O'Lakes State Park (opens Wednesday after permit pheasant season for 5 consecutive days, except closed on Christmas Day; 8:00 a.m. to 4:00 p.m.; daily quota filled on first come-first served basis; DNR issued back patch must be worn while hunting; only shot size of No. 5 lead or No. 3 steel or smaller may be used) (2)

Crawford County Conservation Area (1) (2)

Cypress Pond State Natural Area (1) (2)

Dog Island Wildlife Management Area (1) (2)

Eldon Hazlet State Park (north of Allen Branch (2); and west of Peppenhorst Branch only)

Ferne Clyffe State Park - Cedar Draper Bluffs Hunting Area (1) (2)

Fort de Chartres Historic Site (muzzleloading firearms or bow and arrow only) (1) (2)

Fort Massac State Park (2)

I-24 Wildlife Management Area (2)

Kaskaskia River State Fish and Wildlife Area (Doza Creek Waterfowl Management Area closed 7 days prior to and during duck season) (1) (2)

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Kinkaid Lake Fish and Wildlife Area (1)

Lowden-Miller State Forest (hunting allowed from September 1 through September 30 only; hunting allowed only on the southern one-half of the site) (1) (2)

Marshall State Fish and Wildlife Area (Monday through Thursday only through October 31; during August, hunting allowed west of E. 2450 Road only) (2)

Marshall State Fish and Wildlife Area (2)

Mermet Lake Conservation Area (non-toxic shot only in waterfowl areas) (1) (2)

Mississippi River Fish and Waterfowl Management Area (Pools 25 and 26) (1)

Mississippi River Pools 16, 17, 18 (1)

Mississippi River Pools 21, 22, 24 (1)

Morrison Rockwood State Park (opens November 1 and closes the Thursday before the first statewide firearm deer season) (1) (2)

Oakford Conservation Area (1)

Panther Creek Conservation Area (1) (2)

Peabody River King State Fish and Wildlife Area (east and north subunits close, November 1) (2)

Randolph County Conservation Area (2)

Ray Norbut State Fish and Wildlife Area (closes December 15 in Eagle Roost Area) (1) (2)

Red Hills State Park (2)

Rend Lake Project Lands and Waters (1)

Saline County Fish and Wildlife Area (1) (2)

Sam Dale Lake Conservation Area (2)

Sam Parr State Park (2)

Sangamon County Conservation Area (1)

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Sangamon State-Fish-and-Wildlife-Area (1)

Shawnee National Forest, Oakwood Bottoms (non-toxic shot only) (1)

Stephen A. Forbes State Park (2)

Tapley Woods State Natural Area (2)

Trail of Tears State Forest (1)

Turkey Bluffs State Fish and Wildlife Area (1) (2)

Walnut Point Fish and Wildlife Area (2)

Washington County Conservation Area (2)

Weinberg-King State Park (1) (2)

Wildcat Hollow State Forest (1)

Witkowski State Wildlife Area (opens after second firearm deer season) (2)

e) Season dates shall be the day following Labor Day to the end of the statewide season at the following sites:

Ferne Clyffe State Park - Fern Clyffe Hunting Area (2)

Giant City State Park

Hamilton County Conservation Area (2)

Pere Marquette State Park (2)

Pyramid State Park (2)

Siloam Springs State Park (2)

f) Season dates shall be the day after Labor Day to September 30 at the following sites:

Johnson-Sauk Trail State Park (2)

Jubilee College State Park (2)

Kankakee River State Park (2)

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Silver Springs State Park (2)

Spring Lake Fish and Wildlife Area (2)

- g) Statewide regulations apply at the following sites, except that hunters must obtain a free permit from the Department and variations in season dates are in parentheses. Permits must be in possession while hunting. The permit must be returned and harvest reported by February 15 or the hunter will forfeit privileges at that site for the following year:

Chauncey Marsh (permit may be obtained at Red Hills State Park Headquarters) (1)

Clinton Lake State Recreation Area

Coffeen Lake State Fish and Wildlife Area (area closed during firearm deer season; closes September 30)

East Conant Field (1)

Fox Ridge State Park (1)

Harry "Babe" Woodyard State Natural Area

Hidden Springs State Forest (.22 rimfire firearms and muzzleloading blackpowder rifles prohibited until October 1) (1)

Hurricane Creek Habitat Area (season closes October 31)

Kickapoo State Park (season opens day after Labor Day)

Lake Shelbyville - Eagle Creek State Park (closes opening day of state's pheasant season)

Lake Shelbyville - Kaskaskia and West Okaw Wildlife Management Areas (1)

Little Vermilion-River-State-Natural-Area

Middle Fork Middlefork Fish and Wildlife Area (season opens day after Labor Day)

Moraine View State Park

Newton Lake Fish and Wildlife Area (closes September 30)

Ramsey Lake State Park

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Sangamon State Fish and Wildlife Area (1)

Sato Field (1)

Site M (the Quality Unit and Controlled Unit close October 31) (1)

Ten Mile Creek Fish and Wildlife Area (1)

- h) Season dates shall be statewide opening through September 30 at the following sites:

Castle Rock State Park (2)

Coffeen Lake State Fish and Wildlife Area

Iroquois County Wildlife Management Area (1) (2)

Mackinaw State Fish and Wildlife Area (2)

Mt. Vernon Game Propagation Center (2)

Woodford County Fish and Wildlife Area (2)

- i) Season dates shall be statewide opening through October 31 at the following sites:

Green River State Wildlife Area (2)

Horseshoe Lake Conservation Area (season on the controlled goose hunting area shall close October 31, remainder of the public hunting area statewide season; non-toxic shot only) (1)

Sand Ridge State Forest (1) (2)

Union County Conservation Area (season on the controlled goose hunting area closes October 31; firing line unit - statewide closing; non-toxic shot only) (1)

(Source: Amended at 23 Ill. Reg. 9074 effective JUL 28 1990)

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: The Taking of Wild Turkeys - Fall Archery Season
- 2) Code Citation: 17 Ill. Adm. Code 720
- 3) Section Numbers: Adopted Action:
 720.10 Amendments
 720.20 Amendments
 720.30 Amendments
 720.40 Amendments
- 4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.9, 2.10 and 2.11].
- 5) Effective Date of Amendments: July 28, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: April 23, 1999, 23 Ill. Reg. 4687
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Differences between proposal and final version: None
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes
- 13) Will this rulemaking replace an emergency rule currently in effect? No
- 14) Are there any amendments pending on this Part? No
- 15) Summary and Purpose of Rulemaking: Amendments to this Part were made to open and close State-owned and -managed sites, update hunting regulations, and change the purchase of one archery turkey permit to a maximum of two archery turkey permits per season.
- 16) Information and questions regarding these adopted amendments shall be directed to:

Jack Price
 Department of Natural Resources

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

524 S. Second Street, Room 430
 Springfield IL 62701-1787
 217/782-1809

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES
SUBCHAPTER b: FISH AND WILDLIFE

PART 720
THE TAKING OF WILD TURKEYS - FALL ARCHERY SEASON

Section

720.10 Hunting Seasons and Counties Open to Hunting
720.20 Statewide Turkey Permit Requirements
720.25 Turkey Permit Requirements - Landowner/Tenant Permits
720.30 Turkey Hunting Regulations
720.40 Regulations at Various Department-Owned or -Managed Sites
720.50 Releasing or Stocking of Turkeys (Repealed)

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 2.9, 2.10, and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 2.9, 2.10 and 2.11].

SOURCE: Adopted and codified at 8 Ill. Reg. 7825, effective May 22, 1984; emergency amendments at 8 Ill. Reg. 20086, effective October 12, 1985, for a maximum of 150 days; emergency expired March 2, 1985; amended at 9 Ill. Reg. 14311, effective September 5, 1985; amended at 11 Ill. Reg. 9556, effective May 5, 1987; amended at 12 Ill. Reg. 12254, effective July 15, 1988; amended at 13 Ill. Reg. 12831, effective July 21, 1989; amended at 14 Ill. Reg. 12413, effective July 20, 1990; amended at 15 Ill. Reg. 11611, effective August 2, 1991; amended at 16 Ill. Reg. 11093, effective June 30, 1992; amended at 16 Ill. Reg. 15442, effective September 28, 1992; amended at 17 Ill. Reg. 281, effective December 28, 1992; amended at 17 Ill. Reg. 10850, effective July 1, 1993; amended at 18 Ill. Reg. 10104, effective June 21, 1994; amended at 19 Ill. Reg. 11799, effective August 3, 1995; amended at 20 Ill. Reg. 10890, effective August 5, 1996; amended at 21 Ill. Reg. 9102, effective June 26, 1997; amended at 22 Ill. Reg. 14856, effective August 3, 1998; amended at 23 Ill. Reg. 9082, effective JUL 28 1999.

Section 720.10 Hunting Seasons and Counties Open to Hunting

a) Season: Statewide season October 1 through the first Thursday after January 10, closed during firearm deer season, as set out in 17 Ill. Adm. Code 650.

b) Open Counties:

Adams	Marion
Alexander	Marshall
Bond	Mason
Boone	Massac
Brown	McDonough
Bureau	Menard
Calhoun	Mercer
Carroll	Monroe

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Cass	Montgomery
Christian	Morgan
Clark	Ogle
Clay	Peoria
Clinton	Perry
Coles	Pike
Crawford	Pope
Cumberland	Pulaski
Edwards	Putnam
Effingham	Randolph
Fayette	Richland
Fulton	Rock Island
Gallatin	Saline
Greene	Sangamon
Grundy	Schuyler
Hamilton	Scott
Hancock	Shelby
Hardin	St. Clair
Henderson	Stephenson
Henry	Tazewell
Jackson	Union
Jasper	Vermillion
Jefferson	Wabash
Jersey	Warren
Jo Daviess	Washington
Johnson	Wayne
Kankakee	White
Knox	Whiteside
LaSalle	Williamson
Lawrence	Winnebago
Lee	Woodford
Logan	
Macoupin	
Madison	

(Source: Amended at 23 Ill. Reg. 9082, effective JUL 28 1999)

Section 720.20 Statewide Turkey Permit Requirements

a) To take, or attempt to take, a wild turkey, Illinois residents must first obtain an archery "Wild Turkey Hunting Permit" for a fee of \$5-00. Non-resident turkey hunters shall be charged \$50-00 for wild turkey hunting permits. Paid archery turkey permits are only available over-the-counter (OTC) from license vendors located throughout the State. The permit will authorize the holder to hunt in any of the open counties of the State, on property where permission to hunt has been obtained from the property owner.

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- b) Hunters purchasing an archery turkey permit must supply all necessary applicant information to the license vendor in order to properly complete the permit.
- c) An individual may purchase a maximum of two only--one archery turkey permits per season. Permits are not transferable and refunds will not be granted.
- d) A \$3-00 service fee will be charged for replacement permits issued by the Department. The procedures for obtaining a replacement license are detailed in 17 Ill. Adm. Code 2520.50. Monies from this source will be deposited in the Wildlife and Fish Fund.
- e) It shall be unlawful to:
- 1) Purchase or attempt to purchase or receive more than two one archery turkey permits permit.
 - 2) Provide false and/or deceptive information to a vendor when purchasing a permit. In addition to criminal charges, individuals found guilty of violating this Section shall have their permit revoked and fees forfeited. The procedure by which an individual may appeal an application rejection, permit revocation, and the forfeiture of fees is set forth in 17 Ill. Adm. Code 2530 (Department Formal Hearings Conducted for Rulemaking and Contested Cases).

(Source: Amended at 23 Ill. Reg. 9082, effective JUL 28 1999)

Section 720.30 Turkey Hunting Regulations

It is unlawful:

- a) to use live turkey decoys, recorded calls, dogs or bait. An area is considered as baited during the presence of and for 10 consecutive days following the removal of bait;
- b) to take, or attempt to take, more than 1 wild turkey per valid permit during the fall archery season (either sex may be harvested);
- c) to use any weapon except a long, recurved or compound bow with a minimum pull of 40 pounds at some point within a 28 inch draw. Minimum arrow length is 20 inches, and broadheads must be used. Broadheads may have fixed or expandable blades, but they must be barbed and have a minimum 7/8 inch diameter when fully opened. Broadheads with fixed blades must be metal or flint-, chert-, or obsidian-napped; broadheads with expandable blades must be metal. All other bows and arrows, including electronic arrow tracking systems, are illegal. Any mechanical device capable of maintaining a drawn or partially drawn position on a bow is illegal;
- d) for any person having taken the limit of wild turkeys a wild-turkey to further participate with a weapon in any hunting party for the purpose of taking additional turkeys;
- e) for any person to hunt wild turkeys without having a signed Archery Wild Turkey Hunting Permit in possession;

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- f) to transport or move a wild turkey without first affixing and properly sealing the adhesive-backed turkey permit securely around the leg. Leg tag must be affixed to the turkey immediately upon kill. No person shall leave any turkey that has been killed without properly attaching the turkey permit around the leg;
- g) to fail to send the mail-in portion of the turkey permit and feathers as indicated on the mail-in envelope to the Department in the envelope supplied within 48 hours of taking a turkey with bow and arrow. Failure to follow this rule constitutes illegal possession of a wild turkey and is punishable by a fine plus turkey hunting privileges being suspended for the following year; and
- h) to possess, while in the field during archery turkey season, any turkey permit issued to another person.

(Source: Amended at 23 Ill. Reg. 9082, effective JUL 28 1999)

Section 720.40 Regulations at Various Department-Owned or -Managed Sites

Statewide regulations shall apply for the following sites, except those sites designated below by asterisk (*) shall be open to archery turkey hunting without regard to firearm deer season. Those sites followed by (1) require hunters to check in and check out. Those sites followed by (2) require hunters to obtain a permit from the site before hunting:

* Anderson Lake Conservation Area (1)

Apple River Canyon State Park - Salem and Thompson Units (1)

Argyle Lake State Park (1)

Beaver Dam State Park (2)

Big Bend State Fish and Wildlife Area (1)

Big River State Forest (1)

Catche River State Natural Area (1)

Campbell Pond Wildlife Management Area

Carlyle Lake Lands and Waters - Corps of Engineers Managed Lands

Carlyle Lake Wildlife Management Area (subimpoundment area closed 7 days prior to and during the southern zone waterfowl season)

Castle Rock State Park (1)

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Chauncey Marsh (2) (permit available at Red Hills State Park)

Crawford County Conservation Area (1)

Cypress Pond State Natural Area (1)

Dixon Springs State Park (1)

Dog Island Wildlife Management Area (1)

East Conant Field (2)

Ferne Clyffe State Park (1)

Fort de Chartres Historic Site

Fort Massac State Park (1)

Franklin Creek State Park (1)

Giant City State Park

Green River State Fish and Wildlife Area (~~no-hunting-Wednesday-through Sunday-during-the-controlled-pheasant-hunting-season~~) (1)

Hamilton County Conservation Area (must possess valid site archery permit) (2)

Harry "Babe" Woodyard State Natural Area (2)

I-24 Wildlife Management Area (1)

Johnson-Sauk Trail State Park (closed Wednesday through Sunday during site's pheasant permit season) (1)

Jubilee College State Park (2)

Kaskaskia River State Fish and Wildlife Area

Kickapoo State Park (2)

Kinkaid Lake Fish and Wildlife Area

Lowden-Miller State Forest (1)

Mackinaw River State Fish and Wildlife Area (1)

Marseilles Wildlife Area (closed each Friday, Saturday, and Sunday in

DEPARTMENT OF NATURAL RESOURCES

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October) (1)

Marshall State Fish and Wildlife Area (2)

Mermet Lake State Fish and Wildlife Area (1)

Middle Fork Middlefork State Fish and Wildlife Area (2)

Mississippi Palisades State Park (November 1 through December 31) (2)

Mississippi River Fish and Waterfowl Management Area (Pools 25 and 26)

Mississippi River Pools 16, 17 and 18

Mississippi River Pools 21, 22 and 24

Newton Lake Fish and Wildlife Area (must possess valid site archery permit) (2)

Oakford Conservation Area

Panther Creek Conservation Area

Peabody River King State Fish and Wildlife Area (east and north subunits closed November 1) (1)

Pere Marquette State Park (1)

Pyramid State Park

* Ramsey Lake State Park (2)

* Randolph County Conservation Area

Ray Norbut State Fish and Wildlife Area (all hunting closes December 15 in Eagle Roost Area) (1)

* Red Hills State Park (1)

* Rend Lake State Fish and Wildlife Area

Saline County Conservation Area (1)

* Sam Dale Lake Conservation Area (2)

* Sam Parr State Park (1)

Sand Ridge State Forest (2)

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Sanganois State Fish and Wildlife Area (2)

Sato Field (2)

Siloam Springs State Park

Site M (2)

* Spring Lake State Fish and Wildlife Area (2)

* Stephen A. Forbes State Park (2)

Tapley Woods State Natural Area (1)

Ten Mile Creek Fish and Wildlife Area (2)

Trail of Tears State Forest

Turkey Bluffs State Fish and Wildlife Area

Union County Conservation Area (firing line unit - Statewide season, Public Hunting Area October 1 through 25 days prior to the opening of goose season, reopens with the close of the Quota Zone goose season)

* Washington County Conservation Area (1)

Weinburg-King State Park

Wildlife Hollow State Forest

Witkowsky State Wildlife Area (1)

(Source: Amended, 23 Ill. Reg. ~~9082~~ effective Jul 28 1995)

DEPARTMENT OF NATURAL RESOURCES
NOTICE OF ADOPTED AMENDMENTS

1) Heading of the Part: The Taking of Wild Turkeys - Fall Gun Season

2) Code Citation: 17 Ill. Adm. Code 715

3) Section Numbers: 715.10
Adopted Action:
Amendments

4) Statutory Authority: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11 of the Wildlife Code [320 IUCS 5/1.3, 1.4, 1.20, 2.9, 2.10 and 2.11].

5) Effective Date of Amendments: July 28, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Does this amendment contain incorporations by reference? No

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

9) Notice of Proposal Published in Illinois Register: April 23, 1999, 23 Ill. Reg. 4696

10) Has JCAR issued a Statement of Objections to these amendments? No

11) Differences between proposal and final version: None

12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreements issued by JCAR? Yes

13) Will this rulemaking replace an emergency rule currently in effect? No

14) Are there any amendments pending on this Part? No

15) Summary and Purpose of Rulemaking: This Part is being amended to open Madison and Wayne Counties to hunting of wild turkeys.

16) Information and questions regarding these adopted amendments shall be directed to:

Jack Price
Department of Natural Resources
524 S. Second Street, Room 430
Springfield IL 62701-1787
217/782-1809

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF NATURAL RESOURCES

NOTICE OF ADOPTED AMENDMENTS

TITLE 17: CONSERVATION
 CHAPTER 1: DEPARTMENT OF NATURAL RESOURCES
 SUBCHAPTER b: FISH AND WILDLIFE

PART 715

THE TAKING OF WILD TURKEYS - FALL GUN SEASON

Section

- 715.10 Hunting Season, Open Counties and Permit Quotas
 715.20 Statewide Turkey Permit Requirements
 715.21 Turkey Permit Requirements - Special Hunts
 715.25 Turkey Permit Requirements - Landowner/Tenant Permits
 715.30 Turkey Hunting Regulations
 715.40 Regulations at Various Department-Owned or -Managed Sites

AUTHORITY: Implementing and authorized by Sections 1.3, 1.4, 1.20, 2.9, 2.10 and 2.11 of the Wildlife Code [520 ILCS 5/1.3, 1.4, 1.20, 2.9, 2.10 and 2.11].

SOURCE: Adopted at 13 Ill. Reg. 14950, effective September 6, 1989; amended at 14 Ill. Reg. 12421, effective July 20, 1990; amended at 15 Ill. Reg. 11618, effective August 2, 1991; amended at 16 Ill. Reg. 11101, effective June 30, 1992; amended at 17 Ill. Reg. 10858, effective July 1, 1993; amended at 18 Ill. Reg. 10013, effective June 21, 1994; amended at 19 Ill. Reg. 11806, effective August 3, 1995; amended at 20 Ill. Reg. 10898, effective August 5, 1996; amended at 21 Ill. Reg. 9110, effective June 26, 1997; amended at 22 Ill. Reg. 14866, effective August 3, 1998; amended at 23 Ill. Reg. 9091, effective JUL 28 1999.

Section 715.10 Hunting Season, Open Counties and Permit Quotas

- a) Season: Nine days beginning on Saturday of the Second complete 3-day weekend (Friday, Saturday, Sunday) after October 10.
 b) Open Counties

OPEN COUNTIES

Adams
 Alexander
 Brown
 Calhoun
 Carroll
 Cass
 Gallatin/Hardin (south of Rt. 13 only)
 Greene
 Hancock
 Henderson
 Jackson
 Jersey

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Jo Daviess
 Johnson
 Knox
 Macoupin
 Madison
 Marion
 McDonough
 Monroe
 Morgan
 Pike
 Pope (north-of-Rt.-146-only)
 Randolph
 Rock Island
 Saline
 Schuyler
 Scott
 Stephenson
 Union
 Wayne
 Whiteside
 Williamson
 Winnebago

- c) Permit quotas shall be set by the Department of Natural Resources on a county or special hunt area basis.

(Source: Amended at 23 Ill. Reg. 9091, effective JUL 28 1999.)

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: Hazardous Waste Management System: General
- 2) Code citation: 35 Ill. Adm. Code 720
- 3) Section Numbers: Proposed Action:
720.110 Amended
720.111 Amended
- 4) Statutory authority: 415 ILCS 5/7.2, 22.4 and 27.
- 5) Effective date of amendments: July 26, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? Yes. The centralized listing of incorporations by reference appears at 35 Ill. Adm. Code 720.111 for the purposes of all of 35 Ill. Adm. Code 702 through 705, 720 through 726, 728, 730, 733, and 739. The present amendments add at 35 Ill. Adm. Code 720.111 the incorporations by reference of the federal Clean Water Act section 404 dredging permit regulations definitions of 40 CFR 232.2 and the federal RCRA noncompliance reporting requirements of 40 CFR 270.5 for the purposes of 35 Ill. Adm. Code 721.104(g) and 703.305(d), respectively.
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the Board's principal office and is available for public inspection.
- 9) Notice of proposal published in Illinois Register: April 23, 1999, 23 Ill. Reg. 4700
- 10) Has JCAR issued a Statement of Objections to these amendments? No

Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

11) Differences between proposal and final version:

Section Revised	Source(s) of Revision(s) Revision(s)
720. table of contents	JCAR Added "in R99-15"
720.110 "Act"	JCAR Changed "U.S.C." to "USC"

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

720.110 equipment"	"ancillary JCAR	Added a comma after the word "device" to offset a parenthetical; added a comma to separate the final element of a series
720.110 "boiler"	JCAR	Deleted an unnecessary comma separating a two-element series
720.110 "drip pad"	Board	Corrected "run-on" to "runon"
720.110 "EPA identification number"	JCAR, Board	Changed a comma to a semicolon, added a semicolon to separate the elements of a series containing a subseries
720.110 "EPA region"	JCAR	Added a comma to separate the final element of a series (ten times)
720.110 "existing hazardous waste facility"	JCAR	Replaced em-dashes with commas (twice)
720.110 "existing tank system"	JCAR, Board	Changed "that" to "which" for subsequent restrictive relative clause; removed unnecessary comma separating a two-element series; used capitalized "State;" added "of the following is true;" added colon; replaced em-dashes with commas (twice)
720.110 "explosives of munitions emergency response"	Board	Changed "and/or" to "or"
720.110 "explosives of munitions emergency response specialist"	JCAR	Used capitalized "State"
720.110 "federal agency"	JCAR	Added a comma to separate the final element of a series; added a comma

POLLUTION CONTROL BOARD

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720.110 "Food chain crops"	JCAR	before the word "including" to offset a parenthetical
		Added a comma to separate the final element of a series
720.110 "hazardous waste management unit"	JCAR	Added a comma to separate the final element of a series
720.110 "industrial furnace"	JCAR, Board	Added a comma to separate the final element of a series (twice)
720.110 "management"	JCAR	Added a comma to separate the final element of a series
720.110 "miscellaneous unit"	JCAR	Changed a comma to a semicolon to separate the elements of a series containing a subseries (twice)
720.110 "partial closure"	JCAR	Added a comma to separate the final element of a series
720.110 "person"	JCAR	Added a comma to separate the final element of a series
720.110 "pesticide" & Board note	JCAR	Used lower case "section" (four times); changed "U.S.C." to "USC" (three times); deleted section symbol (three times); added comma after "720.111" to offset a parenthetical
720.110 "point source"	JCAR	Added a comma to separate the final element of a series; added a comma before the word "including" to offset a parenthetical

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720.110 "qualified JCAR groundwater scientist" & Board note	JCAR	Corrected the spelling of the word "rate;" corrected the reference to "35 Ill. Adm. Code 325;" changed "ground water" to "groundwater"
720.110 "regional JCAR administrator"	JCAR	changed "EPA" to "USEPA"
720.110 "State"	JCAR	Added a comma to separate the final element of a series
720.110 "sump"	JCAR	Added a comma to separate the final element of a series
720.110 "impoundment"	JCAR	Added a comma to separate the final element of a series
720.110 "tank"	JCAR, Board	Changed "that" to "which"
720.110 "thermal treatment"	JCAR	Added a comma to separate the final element of a series
720.110 "transfer facility"	JCAR	Added a comma before the word "including" to offset a parenthetical; added a comma to separate the final element of a series
720.110 "treatability study"	JCAR	Removed an unnecessary conjunction "or" and comma; added a comma to separate the final element of a series
720.110 "treatment"	JCAR, Board	Removed an unnecessary conjunction "or;" added a comma to separate the final element of a series

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- 720.110 "underground JCAR, Board
injection" Removed an unnecessary semicolon separating a two-element series
- 720.110 "unfit-for-use tank JCAR
system" Added commas before and after "through" to offset a parenthetical
- 720.110 "United States" JCAR Added a comma to separate the final element of a series
- 720.111(a) "NTIS" "generic JCAR
quality . . ." Removed period at end of text, moved period from within to outside closing parenthesis to include parenthetical within sentence
- 720.111(a) "NTIS" "Methods JCAR
of Chemical . . ." Removed period at end of text to include parenthetical within sentence
- 720.111(a) "NTIS" "Methods JCAR
Manual for Compliance . . ." Removed period at end of text to include parenthetical within sentence
- 720.111(a) "Petitions to JCAR
Delist . . ." Removed period at end of text to include parenthetical within sentence
- 720.111(b) "40 CFR 302.4, . JCAR
." Added a comma to separate the final element of a series
- 720.111(c) JCAR,
Board Replaced ampersand with a comma and the conjunction "and"
- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR?
Section 22.4(a) of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this

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- rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.
- 13) Will these amendments replace emergency amendments currently in effect?
No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and purpose of amendments:
A more detailed description is contained in the Board's opinion and order of June 11, 1999 in docket R99-15, which opinion and order is available from the address below. Section 22.4 of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.
- This proceeding updates the Illinois RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by the United States Environmental Protection Agency (USEPA) that appeared in the *Federal Register* during a single update period. The docket and time period that is involved in this proceeding is the following:
R99-15 Federal RCRA Subtitle C amendments that occurred during the period July 1, 1998, through December 31, 1998.
- The R99-15 docket amends rules in Parts 703, 720, 721, 724, 725, 726, 728, and 733. Prior to discussing the specific changes made to this Part, the Board will describe the docket as a whole, since amendments to various Parts may be inter-related. The following table briefly summarizes the federal actions in the update period:
63 Fed. Reg. 37780 USEPA withdrew segments of a May 6, 1998 (July 14, 1998) direct final rule that drew adverse comment.
63 Fed. Reg. 42109 USEPA adopted new waste listings and land disposal restrictions (LDRs) for petroleum wastes, including certain exclusions from regulation as hazardous waste. (August 6, 1998)
63 Fed. Reg. 42580 USEPA adopted corrections to the May 4, 1998, organobromine production waste rules; the May 26, 1998, Phase IV LDRs; and the June 29, 1998, organobromine waste technical amendments.

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63 Fed. Reg. 46331 (August 31, 1998)
USEPA adopted technical amendments to the May 4, 1998, organobromine waste rules.

63 Fed. Reg. 47409 (September 4, 1998)
USEPA changed the effective dates and adopted emergency amendments to the LDRs applicable to several carbamate wastes and waste constituents.

63 Fed. Reg. 48124 (September 9, 1998)
USEPA issued an extension of the Phase IV LDR compliance deadline, until November 26, 1998, for certain limited metal-bearing wastes.

63 Fed. Reg. 51253 (September 24, 1998)
USEPA adopted LDR treatment standards applicable to spent potliners from primary aluminum production.

63 Fed. Reg. 54356 (October 9, 1998)
USEPA changed the compliance deadline of the August 6, 1998 petroleum waste rules until December 8, 1998.

63 Fed. Reg. 56709 (October 22, 1998)
USEPA amended the treatment, storage, and disposal facility standards to allow states to use mechanisms other than permits to approve facility post-closure care plans and to allow the closure of certain units through the corrective action program.

63 Fed. Reg. 64371 (November 19, 1998)
USEPA issued a final decision not to list 14 waste solvents as hazardous waste.

63 Fed. Reg. 65873 (November 30, 1998)
USEPA adopted new remedial action plan (RAP) requirements applicable to the treatment, storage, or disposal of hazardous remediation wastes during cleanup actions.

63 Fed. Reg. 71225 (December 24, 1998)
USEPA adopted corrective and clarifying amendments to the May 11, 1995 (60 Fed. Reg. 25492) universal waste rule. The amendments correct aspects of the standards for spent lead-acid battery management and the definition of small quantity universal waste handler, and they clarify the export requirements for destination facilities that are universal waste handlers.

The Board has already taken or does not need to take action based on five sets of these Federal RCRA Subtitle C amendments. The Board dealt with the federal action of July 14, August 10 and 31, September 9, and October

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9, 1998, in the prior consolidated R98-21/R99-2/R99-7 RCRA Subtitle C and underground injection control (UIC) update docket, adopted on December 17, 1998, and filed with the Secretary of State on January 19, 1999. (The Board, made all but one of the federal amendments of August 6, 1998, in the consolidated R98-21/R99-2/R99-7 update docket, but must complete the one minor amendment in this rulemaking.) The Board will not amend the Illinois regulations in response to the federal action of November 19, 1998, where the USEPA determination not to list the wastes as hazardous did not result in an amendment of the federal regulations.

In addition to the federal actions that fall within the timeframes of this docket, the Board is including additional federal actions that occurred later. These additional actions directly impact one or more of the actions that USEPA took within the timeframes that are involved.

64 Fed. Reg. 6806 (February 11, 1999)

USEPA adopted amendments to the exclusions from the definition of hazardous waste that have the effect of deferring regulation of certain materials as hazardous waste until February 13, 2001. The wastes affected are landfill leachate and landfill gas condensate derived from previously-disposed petroleum refining wastes (USEPA hazardous waste codes K169 through K172, originally listed on August 6, 1998 (63 Fed. Reg. 42110), effective February 6, 1999, and adopted by the Board on December 17, 1998, in consolidated update docket R98-21/R99-2/R99-7, effective January 19, 1999).

The Board examined three federal actions that amended the Clean Water Act analytical methods, which are incorporated by reference in 35 Ill. Adm. Code 720.111. The Board updates the incorporation by reference.

63 Fed. Reg. 38756 (July 20, 1998)

USEPA published a correction to 40 C.F.R. 136.3(e) table, as published on July 1, 1997.

63 Fed. Reg. 44146 (August 18, 1998)

USEPA published a correction to 40 C.F.R. 136.3(e) table, as published on July 1, 1997.

63 Fed. Reg. 50387 (September 21, 1998)

USEPA adopted effluent discharge and wastewater pretreatment standards for the pharmaceutical manufacturing industry sector.

The Board dealt with the federal actions of July 20 and August 18, 1998, in the prior consolidated R98-21/R99-2/R99-7 RCRA Subtitle C and underground injection control (UIC) update docket, adopted on December 17, 1998, and filed with the Secretary of State on January 19, 1999. Thus, the

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Board is acting in this R99-15 docket on the following USEPA amendments:

63 Fed. Reg. 42109
(August 6, 1998)
USEPA adopted new waste listings and land disposal restrictions (LDRs) for petroleum wastes, including certain exclusions from regulation as hazardous waste.

63 Fed. Reg. 47409
(September 4, 1998)
USEPA changed the effective dates and adopted emergency amendments to the LDRs applicable to several carbamate wastes and waste constituents.

63 Fed. Reg. 50387
(September 21, 1998)
USEPA adopted effluent discharge and wastewater pretreatment standards for the pharmaceutical manufacturing industry sector.

63 Fed. Reg. 51253
(September 24, 1998)
USEPA adopted LDR treatment standards applicable to spent potliners from primary aluminum production.

63 Fed. Reg. 56709
(October 22, 1998)
USEPA amended the treatment, storage, and disposal facility standards to allow states to use mechanisms other than permits to approve facility post-closure care plans and to allow the closure of certain units through the corrective action program.

63 Fed. Reg. 65873
(November 30, 1998)
USEPA adopted new remedial action plan (RAP) requirements applicable to the treatment, storage, or disposal of hazardous remediation wastes during cleanup actions.

63 Fed. Reg. 71255
(December 24, 1998)
USEPA adopted corrective and clarifying amendments to the May 11, 1995 (60 Fed. Reg. 25492) universal waste rule. The amendments correct aspects of the standards for spent lead-acid battery management and the definition of small quantity universal waste handler, and they clarify the export requirements for destination facilities that are universal waste handlers.

64 Fed. Reg. 6806
(February 11, 1999)
USEPA adopted amendments to the exclusions from the definition of hazardous waste that have the effect of deferring regulation of certain materials as hazardous waste until February 13, 2001. The wastes affected are landfill leachate and landfill gas condensate

derived from previously-disposed petroleum refining wastes (USEPA hazardous waste codes K169 through K172, originally listed on August 6, 1998 (63 Fed. Reg. 42110), effective February 6, 1999, and adopted by the Board on December 17, 1998, in consolidated update docket R98-21/R99-2/R99-7, effective January 19, 1999).

Specifically, the amendments to Part 720 implement segments of the August 18 and September 21, 1998 updates to 40 CFR 136 and the Federal November 30, 1998 hazardous waste remediation waste amendments.

Section 22.4 of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

16) Information and questions regarding these adopted amendments shall be directed to:

Michael J. McCambridge
Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601
312-814-6924

Request copies of the Board's opinion and order of June 17, 1999 in docket R99-15 from Patricia Jones, at 312-814-3620.

The full text of the adopted amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER 1: POLLUTION CONTROL BOARD

SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 720

HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

SUBPART A: GENERAL PROVISIONS

Section

720.101 Purpose, Scope, and Applicability

720.102 Availability of Information; Confidentiality of Information

720.103 Use of Number and Gender

SUBPART B: DEFINITIONS

Section

720.110 Definitions

720.111 References

SUBPART C: RULEMAKING PETITIONS AND OTHER PROCEDURES

Section

720.120 Rulemaking

720.121 Alternative Equivalent Testing Methods

720.122 Waste Delisting

720.123 Petitions for Regulation as Universal Waste

720.124 Procedures for Solid Waste Determinations

720.131 Solid Waste Determinations

720.132 Boiler Determinations

720.133 Procedures for Determinations

720.140 Additional regulation of certain hazardous waste Recycling Activities on a case-by-case basis

720.141 Procedures for case-by-case regulation of hazardous waste Recycling Activities

APPENDIX A

Overview of 40 CFR, Subtitle C Regulations

AUTHORITY:

Implementing Section 22.4 and authorized by Section 27 of the

Environmental Protection Act [415 ILCS 5/22.4 and 27].

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 111. Reg. 9781, effective May 17,

1982; amended and codified in R81-22, 45 PCB 317, at 6 111. Reg. 4828,

effective May 17, 1982; amended in R82-19 at 7 111. Reg. 14015, effective Oct.

12, 1983; amended in R84-9, 53 PCB 131 at 9 111. Reg. 11819, effective July

24, 1985; amended in R85-22 at 10 111. Reg. 968, effective January 2, 1986;

amended in R86-1 at 10 111. Reg. 13998, effective August 12, 1986; amended in

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R86-19 at 10 111. Reg. 20630, effective December 2, 1986; amended in R86-28 at 11 111. Reg. 6017, effective March 24, 1987; amended in R86-46 at 11 111. Reg. 13435, effective August 4, 1987; amended in R87-5 at 11 111. Reg. 19280, effective November 12, 1987; amended in R87-26 at 12 111. Reg. 2450, effective January 15, 1988; amended in R87-39 at 12 111. Reg. 12999, effective July 29, 1988; amended in R88-16 at 13 111. Reg. 362, effective December 27, 1988; amended in R89-1 at 13 111. Reg. 18278, effective November 13, 1989; amended in R89-2 at 14 111. Reg. 3075, effective February 20, 1990; amended in R89-9 at 14 111. Reg. 6225, effective April 16, 1990; amended in R90-10 at 14 111. Reg. 16450, effective September 25, 1990; amended in R90-17 at 15 111. Reg. 9323, effective May 9, 1991; amended in R90-11 at 15 111. Reg. 14446, effective September 30, 1991; amended in R91-13 at 16 111. Reg. 9489, effective June 9, 1992; amended in R92-1 at 16 111. Reg. 17636, effective November 6, 1992; amended in R93-4 at 17 111. Reg. 5625, effective March 26, 1993; amended in R93-16 at 18 111. Reg. 6720, effective April 26, 1994; amended in R94-7 at 18 111. Reg. 12160, effective July 29, 1994; amended in R94-17 at 18 111. Reg. 17480, effective November 23, 1994; amended in R95-6 at 19 111. Reg. 9508, effective June 27, 1995; amended in R95-20 at 20 111. Reg. 10929, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 111. Reg. 256, effective December 16, 1997; amended in R98-12 at 22 111. Reg. 7590, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 111. Reg. 17496, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 111. Reg. 1704, effective January 19, 1999; amended in R99-15 at 23 111. Reg. 9094, effective July 26, 1999.

SUBPART B: DEFINITIONS

Section 720.110 Definitions

When used in 35 111. Adm. Code 720 through 726 and 728 only, the following terms have the meanings given below:

"Aboveground tank" means a device meeting the definition of "tank" that is situated in such a way that the entire surface area of the tank is completely above the plane of the adjacent surrounding surface and the entire surface area of the tank (including the tank bottom) is able to be visually inspected.

"Act" or "RCRA" means the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act of 1976, as amended (42 USC 865-869 6901 et seq.).

"Active life" of a facility means the period from the initial receipt of hazardous waste at the facility until the Agency receives certification of final closure.

"Active portion" means that portion of a facility where treatment,

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storage or disposal operations are being or have been conducted after May 19, 1980, and which is not a closed portion. (See also "closed portion" and "inactive portion".)

"Administrator" means the Administrator of the U.S. Environmental Protection Agency or the Administrator's designee.

"Agency" means the Illinois Environmental Protection Agency.

"Ancillary equipment" means any device, including, but not limited to, such devices as piping, fittings, flanges, valves, and pumps, that is used to distribute, meter, or control the flow of hazardous waste from its point of generation to storage or treatment tank(s), between hazardous waste storage and treatment tanks to a point of disposal onsite, or to a point of shipment for disposal off-site.

"Aquifer" means a geologic formation, group of formations, or part of a formation capable of yielding a significant amount of groundwater to wells or springs.

"Authorized representative" means the person responsible for the overall operation of a facility or an operational unit (i.e., part of a facility), e.g., the plant manager, superintendent, or person of equivalent responsibility.

"Battery" means a device consisting of one or more electrically connected electrochemical cells that is designed to receive, store, and deliver electrochemical energy. An electrochemical cell is a system consisting of an anode, cathode, and an electrolyte, plus such connections (electrical and mechanical) as may be needed to allow the cell to deliver or receive electrical energy. The term battery also includes an intact, unbroken battery from which the electrolyte has been removed.

"Board" means the Illinois Pollution Control Board.

"Boiler" means an enclosed device using controlled flame combustion and having the following characteristics:

Physical characteristics.

The unit must have physical provisions for recovering and exporting thermal energy in the form of steam, heated fluids, or heated gases; and the unit's combustion chamber and primary energy recovery section(s) must be of integral design. To be of integral design, the combustion chamber and the primary energy recovery section(s) (such as waterwalls and superheaters) must be physically formed into

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one manufactured or assembled unit. A unit in which the combustion chamber and the primary energy recovery section(s) are joined only by ducts or connections carrying flue gas is not integrally designed; however, secondary energy recovery equipment (such as economizers or air preheaters) need not be physically formed into the same unit as the combustion chamber and the primary energy recovery section. The following units are not precluded from being boilers solely because they are not of integral design: process heaters (units that transfer energy directly to a process stream); and fluidized bed combustion units; and

While in operation, the unit must maintain a thermal energy recovery efficiency of at least 60 percent, calculated in terms of the recovered energy compared with the thermal value of the fuel; and

The unit must export and utilize at least 75 percent of the recovered energy, calculated on an annual basis. In this calculation, no credit shall be given for recovered heat used internally in the same unit. (Examples of internal use are the preheating of fuel or combustion air, and the driving of induced or forced draft fans or feedwater pumps); or

Boiler by designation. The unit is one which the Board has determined, on a case-by-case basis, to be a boiler, after considering the standards in Section 720.132.

"Carbon regeneration unit" means any enclosed thermal treatment device used to regenerate spent activated carbon.

"Certification" means a statement of professional opinion based upon knowledge and belief.

"Closed portion" means that portion of a facility which an owner or operator has closed in accordance with the approved facility closure plan and all applicable closure requirements. (See also "active portion" and "inactive portion".)

"Component" means either the tank or ancillary equipment of a tank system.

"Confined aquifer" means an aquifer bounded above and below by impermeable beds or by beds of distinctly lower permeability than that of the aquifer itself; an aquifer containing confined groundwater.

"Container" means any portable device in which a material is stored,

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transported, treated, disposed of, or otherwise handled.

"Containment building" means a hazardous waste management unit that is used to store or treat hazardous waste under the provisions of 35 Ill. Adm. Code 724-Subpart DD and 35 Ill. Adm. Code 725-Subpart DD.

"Contingency plan" means a document setting out an organized, planned, and coordinated course of action to be followed in case of a fire, explosion, or release of hazardous waste or hazardous waste constituents which could threaten human health or the environment.

"Corrective action management unit" or "CAMU" means an area within a facility that is designated by the agency under 35 Ill. Adm. Code 724-Subpart S for the purpose of implementing corrective action requirements under 35 Ill. Adm. Code 724-201 and RCRA section 9008(b); A CAMU shall only be used only for managing the management-of remediation wastes for pursuant to implementing such corrective action cleanup requirements at the facility.

BOARD NOTE: USEPA must also designate a CAMU until it grants this authority to the Agency. See the note following 35 Ill. Adm. Code 724-652.

"Corrosion expert" means a person who, by reason of knowledge of the physical sciences and the principles of engineering and mathematics, acquired by a professional education and related practical experience, is qualified to engage in the practice of corrosion control on buried or submerged metal piping systems and metal tanks. Such a person must be certified as being qualified by the National Association of Corrosion Engineers (NACE) or be a registered professional engineer who has certification or licensing that includes education and experience in corrosion control on buried or submerged metal piping systems and metal tanks.

"Designated facility" means a hazardous waste treatment, storage, or disposal facility,

Which:

Has received a RCRA permit (or interim status) pursuant to 35 Ill. Adm. Code 702, 703 and 705;

Has received a RCRA permit from USEPA pursuant to 40 CFR 124 and 270 (1992);

Has received a RCRA permit from a state authorized by USEPA pursuant to 40 CFR 271 (1992); or

Is regulated under 35 Ill. Adm. Code 721.106(c)(2) or

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266-Subpart F; and

Which has been designated on the manifest by the generator pursuant to 35 Ill. Adm. Code 722.120.

If a waste is destined to a facility in a state, other than Illinois, which has been authorized by USEPA pursuant to 40 CFR 271, but which has not yet obtained authorization to regulate that waste as hazardous, then the designated facility must be a facility allowed by the receiving state to accept such waste.

"Destination facility" means a facility that treats, disposes of, or recycles a particular category of universal waste, except those management activities described in 35 Ill. Adm. Code 733.113(a) and (c) and 733.133(a) and (c). A facility at which a particular category of universal waste is only accumulated is not a destination facility for the purposes of managing that category of universal waste.

"Dike" means an embankment or ridge of either natural or manmade materials used to prevent the movement of liquids, sludges, solids, or other materials.

"Director" means the Director of the Illinois Environmental Protection Agency.

"Discharge" or "hazardous waste discharge" means the accidental or intentional spilling, leaking, pumping, pouring, emitting, emptying, or dumping of hazardous waste into or on any land or water.

"Disposal" means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any solid waste or hazardous waste into or on any land or water so that such solid waste or hazardous waste or any constituent thereof may enter the environment or be emitted into the air or discharged into any waters, including groundwaters.

"Disposal facility" means a facility or part of a facility at which hazardous waste is intentionally placed into or on any land or water and at which waste will remain after closure. The term disposal facility does not include a corrective action management unit (CAMU) into which remediation wastes are placed.

"Drip pad" means an engineered structure consisting of a curbed, free-draining base, constructed of non-earthen materials and designed to convey preservative kick-back or drippage from treated wood, precipitation and surface water runoff run-on to an associated collection system at wood preserving plants.

"Electric lamp" means the bulb or tube portion of a lighting device

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specifically designed to produce radiant energy, most often in the ultraviolet, visible, and infrared regions of the electromagnetic spectrum.

BOARD NOTE: The definition of "electric lamp" was added pursuant to Section 22.23a of the Act [415 ILCS 5/22.23a] (see P.A. 90-502, effective August 19, 1997).

"Elementary neutralization unit" means a device which:

Is used for neutralizing wastes which are hazardous only because they exhibit the corrosivity characteristic defined in 35 Ill. Adm. Code 721.122 or are listed in 35 Ill. Adm. Code 721.Subpart D only for this reason; and

Meets the definition of tank, tank system, container, transport vehicle, or vessel in this Section.

"EPA hazardous waste number" or "USEPA hazardous waste number" means the number assigned by USEPA to each hazardous waste listed in 35 Ill. Adm. Code 721.Subpart D and to each characteristic identified in 35 Ill. Adm. Code 721.Subpart C.

"EPA identification number" or "USEPA identification number" means the number assigned by USEPA pursuant to 35 Ill. Adm. Code 722 through 725 to each generator's transporter, treatment, storage, or disposal facility.

"EPA region" or "USEPA region" means the states and territories found in any one of the following ten regions:

Region I: Maine, Vermont, New Hampshire, Massachusetts, Connecticut, and Rhode Island

Region II: New York, New Jersey, Commonwealth of Puerto Rico, and the U.S. Virgin Islands

Region III: Pennsylvania, Delaware, Maryland, West Virginia, Virginia, and the District of Columbia

Region IV: Kentucky, Tennessee, North Carolina, Mississippi, Alabama, Georgia, South Carolina, and Florida

Region V: Minnesota, Wisconsin, Illinois, Michigan, Indiana, and Ohio

Region VI: New Mexico, Oklahoma, Arkansas, Louisiana, and Texas

Region VII: Nebraska, Kansas, Missouri, and Iowa

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Region VIII: Montana, Wyoming, North Dakota, South Dakota, Utah, and Colorado

Region IX: California, Nevada, Arizona, Hawaii, Guam, American Samoa, and Commonwealth of the Northern Mariana Islands

Region X: Washington, Oregon, Idaho, and Alaska

"Equivalent method" means any testing or analytical method approved by the Board pursuant to Section 720.120.

"Existing hazardous waste management (HWM) facility" or "existing facility" means a facility which was in operation or for which construction commenced on or before November 19, 1980. A facility had commenced construction if the owner or operator had obtained the federal, state, and local approvals or permits necessary to begin physical construction and either:

A continuous on-site, physical construction program had begun or

The owner or operator had entered into contractual obligations,--which could not be canceled or modified without substantial loss,--for physical construction of the facility to be completed within a reasonable time.

"Existing portion" means that land surface area of an existing waste management unit, included in the original Part A permit application, on which wastes have been placed prior to the issuance of a permit.

"Existing tank system" or "existing component" means a tank system or component that is used for the storage or treatment of hazardous waste and which that is in operation, or for which installation has commenced, on or prior to July 14, 1986. Installation will be considered to have commenced if the owner or operator has obtained all federal, State ~~state~~, and local approvals or permits necessary to begin physical construction of the site or installation of the tank system and if either of the following is true:

A continuous on-site physical construction or installation program has begun; or

The owner or operator has entered into contractual obligations,--which cannot be canceled or modified without substantial loss,--for physical construction of the site or installation of the tank system to be completed within a reasonable time.

"Explosives or munitions emergency" means a situation involving the

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suspected or detected presence of unexploded ordnance (UVO), damaged or deteriorated explosives or munitions, an improvised explosive device (IED), other potentially explosive material or device, or other potentially harmful military chemical munitions or device, that creates an actual or potential imminent threat to human health, including safety, or the environment, including property, as determined by an explosives or munitions emergency response specialist. Such situations may require immediate and expeditious action by an explosives or munitions emergency response specialist to control, mitigate, or eliminate the threat.

"Explosives or munitions emergency response" means all immediate response activities by an explosives and munitions emergency response specialist to control, mitigate, or eliminate the actual or potential threat encountered during an explosives or munitions emergency. An explosives or munitions emergency response may include in-place render-safe procedures, treatment, or destruction of the explosives or munitions and/or transporting those items to another location to be rendered safe, treated, or destroyed. Any reasonable delay in the completion of an explosives or munitions emergency response caused by a necessary, unforeseen, or uncontrollable circumstance will not terminate the explosives or munitions emergency. Explosives and munitions emergency responses can occur on either public or private lands and are not limited to responses at RCRA facilities.

"Explosives or munitions emergency response specialist" means an individual trained in chemical or conventional munitions or explosives handling, transportation, render-safe procedures, or destruction techniques. Explosives or munitions emergency response specialists include U.S. Department of Defense (U.S. DOD) emergency explosive ordnance disposal (EOD), technical escort unit (TEU), and U.S. DOD-certified civilian or contractor personnel and other federal, State, state, or local government or civilian personnel who are similarly trained in explosives or munitions emergency responses.

"Facility" means:

All contiguous land and structures, other appurtenances, and improvements on the land used for treating, storing, or disposing of hazardous waste. A facility may consist of several treatment, storage, or disposal operational units (e.g., one or more landfills, surface impoundments, or combinations of them).

For the purpose of implementing corrective action under 35 Ill. Adm. Code 724.201, all contiguous property under the control of the owner or operator seeking a permit under Subtitle C of RCRA. This definition also applies to facilities implementing corrective action under RCRA Section 3008(h).

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Notwithstanding the immediately preceding paragraph of this definition, a remediation waste management site is not a facility that is subject to 35 Ill. Adm. Code 724.201, but a facility that is subject to corrective action requirements if the site is located within such a facility.

"Federal agency" means any department, agency, or other instrumentality of the federal government, any independent agency or establishment of the federal government, including any government corporation and the Government Printing Office.

"Federal, state, and local approvals or permits necessary to begin physical construction" means permits and approvals required under federal, state, or local hazardous waste control statutes, regulations, or ordinances.

"Final closure" means the closure of all hazardous waste management units at the facility in accordance with all applicable closure requirements so that hazardous waste management activities under 35 Ill. Adm. Code 724 and 725 are no longer conducted at the facility unless subject to the provisions of 35 Ill. Adm. Code 722.134.

"Food-chain crops" means tobacco, crops grown for human consumption, and crops grown for feed for animals whose products are consumed by humans.

"Freeboard" means the vertical distance between the top of a tank or surface impoundment dike and the surface of the waste contained therein.

"Free liquids" means liquids which readily separate from the solid portion of a waste under ambient temperature and pressure.

"Generator" means any person, by site, whose act or process produce hazardous waste identified or listed in 35 Ill. Adm. Code 721 or whose act first causes a hazardous waste to become subject to regulation.

"Groundwater" means water below the land surface in a zone of saturation.

"Hazardous waste" means a hazardous waste as defined in 35 Ill. Adm. Code 721.103.

"Hazardous waste constituent" means a constituent which caused the hazardous waste to be listed in 35 Ill. Adm. Code 721.Subpart D, or a constituent listed in 35 Ill. Adm. Code 721.124.

"Hazardous waste management unit" is a contiguous area of land on or

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in which hazardous waste is placed, or the largest area in which there is significant likelihood of mixing hazardous waste constituents in the same area. Examples of hazardous waste management units include a surface impoundment, a waste pile, a land treatment area, a landfill cell, an incinerator, a tank and its associated piping and underlying containment system, and a container storage area. A container alone does not constitute a unit; the unit includes containers, and the land or pad upon which they are placed.

"Inactive portion" means that portion of a facility which is not operated after November 19, 1980. (See also "active portion" and "closed portion".)

"Incinerator" means any enclosed device that:

Uses controlled flame combustion and neither:

Meets the criteria for classification as a boiler, sludge dryer, or carbon regeneration unit, nor

Is listed as an industrial furnace; or

Meets the definition of infrared incinerator or plasma arc incinerator.

"Incompatible waste" means a hazardous waste which is unsuitable for:

Placement in a particular device or facility because it may cause corrosion or decay of containment materials (e.g., container inner liners or tank walls); or

Comingling with another waste or material under uncontrolled conditions because the comingling might produce heat or pressure, fire or explosion, violent reaction, toxic dusts, mists, fumes or gases, or flammable fumes or gases.

(See 35 Ill. Adm. Code 725-Appendix E for examples.)

"Industrial furnace" means any of the following enclosed devices that are integral components of manufacturing processes and that use thermal treatment to accomplish recovery of materials or energy:

Cement kilns

Lime kilns

Aggregate kilns

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Phosphate kilns

Coke ovens

Blast furnaces

Smelting, melting and refining furnaces (including pyrometallurgical devices such as cupolas, reverberator furnaces, sintering machines, roasters, and foundry furnaces)

Titanium dioxide chloride process oxidation reactors

Methane reforming furnaces

Pulping liquor recovery furnaces

Combustion devices used in the recovery of sulfur values from spent sulfuric acid

Halogen acid furnaces (HAFs) for the production of acid from halogenated hazardous waste generated by chemical production facilities where the furnace is located on the site of a chemical production facility, the acid product has a halogen acid content of at least three percent, the acid product is used in a manufacturing process, and, except for hazardous waste burned as fuel, hazardous waste fed to the furnace has a minimum halogen content of 20 percent, as generated

Any other such device as the Agency determines to be an "Industrial Furnace" on the basis of one or more of the following factors:

The design and use of the device primarily to accomplish recovery of material products;

The use of the device to burn or reduce raw materials to make a material product;

The use of the device to burn or reduce secondary materials as effective substitutes for raw materials, in processes using raw materials as principal feedstocks;

The use of the device to burn or reduce secondary materials as ingredients in an industrial process to make a material product;

The use of the device in common industrial practice to produce a material product; and

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Other relevant factors.

"Individual generation site" means the contiguous site at or on which one or more hazardous wastes are generated. An individual generation site, such as a large manufacturing plant, may have one or more sources of hazardous waste but is considered a single or individual generation site if the site or property is contiguous.

"Infrared incinerator" means any enclosed device which uses electric powered resistance heaters as a source of radiant heat followed by an afterburner using controlled flame combustion and which is not listed as an industrial furnace.

"Inground tank" means a device meeting the definition of "tank" whereby a portion of the tank wall is situated to any degree within the ground, thereby preventing visual inspection of that external surface area of the tank that is in the ground.

"In operation" refers to a facility which is treating, storing, or disposing of hazardous waste.

"Injection well" means a well into which fluids are being injected. (See also "underground injection".)

"Inner liner" means a continuous layer of material placed inside a tank or container which protects the construction materials of the tank or container from the contained waste or reagents used to treat the waste.

"Installation inspector" means a person who, by reason of knowledge of the physical sciences and the principles of engineering, acquired by a professional education and related practical experience, is qualified to supervise the installation of tank systems.

"International shipment" means the transportation of hazardous waste into or out of the jurisdiction of the United States.

"Land treatment facility" means a facility or part of a facility at which hazardous waste is applied onto or incorporated into the soil surface; such facilities are disposal facilities if the waste will remain after closure.

"Landfill" means a disposal facility, or part of a facility where hazardous waste is placed in or on land and which is not a pile, a land treatment facility, a surface impoundment, an underground injection well, a salt dome formation, a salt bed formation, an underground mine, a cave, or a corrective action management unit (CAMU).

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"Landfill cell" means a discrete volume of a hazardous waste landfill which uses a liner to provide isolation of wastes from adjacent cells or wastes. Examples of landfill cells are trenches and pits.

"LDS" means leak detection system.

"Leachate" means any liquid, including any suspended components in the liquid, that has percolated through or drained from hazardous waste.

"Liner" means a continuous layer of natural or manmade materials beneath or on the sides of a surface impoundment, landfill, or landfill cell, which restricts the downward or lateral escape of hazardous waste, hazardous waste constituents, or leachate.

"Leak-detection system" means a system capable of detecting the failure of either the primary or secondary containment structure or the presence of a release of hazardous waste or accumulated liquid in the secondary containment structure. Such a system must employ operational controls (e.g., daily visual inspections for releases into the secondary containment system of aboveground tanks) or consist of an interstitial monitoring device designed to detect continuously and automatically the failure of the primary or secondary containment structure or the presence of a release of hazardous waste into the secondary containment structure.

"Management" or "hazardous waste management" means the systematic control of the collection, source separation, storage, transportation, processing, treatment, recovery, and disposal of hazardous waste.

"Manifest" means the shipping document originated and signed by the generator which contains the information required by 35 Ill. Adm. Code 722. Subpart B.

"Manifest document number" means the USEPA twelve digit identification number assigned to the generator plus a unique five digit document number assigned to the manifest by the generator for recording and reporting purposes.

"Mercury-containing lamp" means an electric lamp into which mercury is purposely introduced by the manufacturer for the operation of the lamp. Mercury-containing lamps include, but are not limited to, fluorescent lamps and high-intensity discharge lamps.

BOARD NOTE: The definition of "mercury-containing lamp" was added pursuant to Section 22.23a of the Act [415 ILCS 5/22.23a] (see P.A. 90-502, effective August 19, 1997).

"Military munitions" means all ammunition products and components produced or used by or for the U.S. Department of Defense or the U.S.

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Armed Services for national defense and security, including military munitions under the control of the U.S. Department of Defense, the U.S. Coast Guard, the U.S. Department of Energy (U.S. DOE), and National Guard personnel. The term military munitions includes: confined gaseous, liquid, and solid propellants, explosives, pyrotechnics, chemical and riot control agents, smokes, and incendiaries used by U.S. DOD components, including bulk explosive and chemical warfare agents, chemical munitions, rockets, guided and ballistic missiles, bombs, warheads, mortar rounds, artillery ammunition, small arms ammunition, grenades, mines, torpedoes, depth charges, cluster munitions and dispensers, demolition charges and devices, and components of these items and devices. Military munitions do not include wholly inert items, improvised explosive devices, and nuclear weapons, nuclear devices, and nuclear components of these items and devices. However, the term does include non-nuclear components of nuclear devices, managed under U.S. DOE's nuclear weapons program after all sanitation operations required under the Atomic Energy Act of 1954, as amended, have been completed.

"Mining overburden returned to the mine site" means any material overlying an economic mineral deposit which is removed to gain access to that deposit and is then used for reclamation of a surface mine.

"Miscellaneous unit" means a hazardous waste management unit where hazardous waste is treated, stored, or disposed of and that which is not a container, tank, ~~system~~, surface impoundment, pile, or land treatment unit, landfill, incinerator, boiler, industrial furnace, underground injection well with appropriate technical standards under 35 Ill. Adm. Code 730.17 containment building, corrective action management unit (CAMU), or a unit eligible for a research, development, and demonstration permit under 35 Ill. Adm. Code 703.231, or staging pile.

"Movement" means that hazardous waste transported to a facility in an individual vehicle.

"New hazardous waste management facility" or "new facility" means a facility which began operation, or for which construction commenced, after November 19, 1980. (See also "Existing hazardous waste management facility".)

"New tank system" or "new tank component" means a tank system or component that will be used for the storage or treatment of hazardous waste and for which installation commenced after July 14, 1986; except, however, for purposes of 35 Ill. Adm. Code 724.293(g)(2) and 725.293(g)(2), a new tank system is one for which construction commences after July 14, 1986. (See also "existing tank system".)

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"Onground tank" means a device meeting the definition of "tank" that is situated in such a way that the bottom of the tank is on the same level as the adjacent surrounding surfaces so that the external tank bottom cannot be visually inspected.

"On-site" means the same or geographically contiguous property which may be divided by public or private right-of-way, provided the entrance and exit between the properties is at a crossroads intersection and access is by crossing as opposed to going along the right-of-way. Noncontiguous properties owned by the same person but connected by a right-of-way which he controls and to which the public does not have access is also considered on-site property.

"Open burning" means the combustion of any material without the following characteristics:

Control of combustion air to maintain adequate temperature for efficient combustion;

Containment of the combustion reaction in an enclosed device to provide sufficient residence time and mixing for complete combustion; and

Control of emission of the gaseous combustion products.

(See also "incineration" and "thermal treatment".)

"Operator" means the person responsible for the overall operation of a facility.

"Owner" means the person that who owns a facility or part of a facility.

"Partial closure" means the closure of a hazardous waste management unit in accordance with the applicable closure requirements of 35 Ill. Adm. Code 724 or 725 at a facility which contains other active hazardous waste management units. For example, partial closure may include the closure of a tank (including its associated piping and underlying containment systems), landfill cell, surface impoundment, waste pile, or other hazardous waste management unit, while other units of the same facility continue to operate.

"Person" means an individual, trust, firm, joint stock company, federal agency, corporation (including a government corporation), partnership, association, state, municipality, commission, political subdivision of a state, or any interstate body.

"Personnel" or "facility personnel" means all persons who work at or

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oversee the operations of a hazardous waste facility and whose actions or failure to act may result in noncompliance with the requirements of 35 Ill. Adm. Code 724 or 725.

"Pesticide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest or intended for use as a plant regulator, defoliant, or desiccant, other than any article that fulfills one of the following descriptions:

It is a new animal drug under section Section 201(v) of the Federal Food, Drug and Cosmetic Act (FFDCA; 21 USC 352-6); Section 321(vv), incorporated by reference in Section 720.111,

It is an animal drug that has been determined by regulation of the federal Secretary of Health and Human Services pursuant to FFDCA section 512, incorporated by reference in Section 720.111, to be an exempted new animal drug, or

It is an animal feed under FFDCA section 201(w) (21 USC 352-6- Section 321(w)), incorporated by reference in Section 720.111, that bears or contains any substances described in either of the two preceding paragraphs subsections of this definition.

BOARD NOTE: The second exception of corresponding 40 CFR 260.10 reads as follows: "Is an animal drug that has been determined by regulation of the Secretary of Health and Human Services not to be a new animal drug". This is very similar to the language of Section 2(u) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA; 7 USC 136-1-Section 136(u)). The three exceptions, taken together, appear intended not to include as "pesticide" any material within the scope of federal Food and Drug Administration regulation. The Board codified this provision with the intent of retaining the same meaning as its federal counterpart while adding the definiteness required under Illinois law.

"Pile" means any noncontainerized accumulation of solid, non-flowing hazardous waste that is used for treatment or storage, and that is not a containment building.

"Plasma arc incinerator" means any enclosed device which uses a high intensity electrical discharge or arc as a source of heat followed by an afterburner using controlled flame combustion and which is not listed as an industrial furnace.

"Point source" means any discernible, confined, and discrete conveyance, including, but not limited to, any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock,

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concentrated animal feeding operation, or vessel or other floating craft from which pollutants are or may be discharged. This term does not include return flows from irrigated agriculture.

"Publicly owned treatment works" or "POTW" is as defined in 35 Ill. Adm. Code 310.110.

"Qualified groundwater scientist" means a scientist or engineer who has received a baccalaureate or post-graduate degree in the natural sciences or engineering, and has sufficient training and experience in groundwater hydrology and related fields, as demonstrated by state registration, professional certifications, or completion of accredited university courses that enable the individual to make sound professional judgments regarding groundwater monitoring and containment rate rate and transport.

BOARD NOTE: "State registration" includes, but is not limited to, registration as a professional engineer with the Department of Professional Regulation, pursuant to 225 ILCS 325/4 and 68 Ill. Adm. Code 1380. "Professional certification" includes, but is not limited to, certification under the certified groundwater ground--water professional program of the National Ground Water Association.

"Regional Administrator" means the Regional Administrator for the USEPA EPA Region in which the facility is located or the Regional Administrator's designee.

"Remediation waste" means all solid and hazardous wastes, and all media (including groundwater, surface water, soils, and sediments) and debris that contain listed hazardous wastes or which themselves exhibit a hazardous waste characteristic which are managed for the purpose of implementing cleanup, corrective-action-requirements--under 95--111--Adm--Code--724-201--and--REBA-Section-3008(h)--For-a-given facility--remediation--wastes--may--originate--only--from--within--the facility--boundary--but--may--include--waste--managed--in--implementing--REBA sections-3004(v)-or-3008(h)-for-releases-beyond-the-facility-boundary-

"Remediation waste management site" means a facility where an owner or operator is or will be treating, storing, or disposing of hazardous remediation wastes. A remediation waste management site is not a facility that is subject to corrective action under 35 Ill. Adm. Code 724.201, but a remediation waste management site it subject to corrective action requirements if the site is located in such a facility.

"Replacement unit" means a landfill, surface impoundment, or waste pile unit from which all or substantially all of the waste is removed, and which is subsequently reused to treat, store, or dispose of hazardous waste. "Replacement unit" does not include a unit from

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which waste is removed during closure, if the subsequent reuse solely involves the disposal of waste from that unit and other closing units or corrective action areas at the facility, in accordance with a closure or corrective action plan approved by USEPA or the Agency.

"Representative sample" means a sample of a universe or whole (e.g., waste pile, lagoon, groundwater) which can be expected to exhibit the average properties of the universe or whole.

"Runoff" means any rainwater, leachate, or other liquid that drains over land from any part of a facility.

"Runon" means any rainwater, leachate, or other liquid that drains over land onto any part of a facility.

"Saturated zone" or "zone of saturation" means that part of the earth's crust in which all voids are filled with water.

"SIC Code" means Standard Industrial Code as defined in Standard Industrial Classification Manual, incorporated by reference in Section 720.111.

"Sludge" means any solid, semi-solid, or liquid waste generated from a municipal, commercial, or industrial wastewater treatment plant, water supply treatment plant, or air pollution control facility exclusive of the treated effluent from a wastewater treatment plant.

"Sludge dryer" means any enclosed thermal treatment device which is used to dehydrate sludge and which has a total thermal input, excluding the heating value of the sludge itself, of 2500 Btu/lb or less of sludge treated on a wet weight basis.

"Small Quantity Generator" means a generator which generates less than 1000 kg of hazardous waste in a calendar month.

"Solid waste" means a solid waste as defined in 35 Ill. Adm. Code 721.102.

"Sorbent" means a material that is used to soak up free liquids by either adsorption or absorption, or both. "Sorb" means to either adsorb or absorb, or both.

"Sump" means any pit or reservoir that meets the definition of tank and those troughs or trenches connected to it that serve to collect hazardous waste for transport to hazardous waste storage, treatment or disposal facilities, except that, as used in the landfill, surface impoundment, and waste pile rules, "sump" means any lined pit or reservoir that serves to collect liquids drained from a leachate

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collection and removal system or leak detection system for subsequent removal from the system.

"Staging Pile" means an accumulation of solid, non-flowing remediation waste (as defined in this Section) that is not a containment building and that is used only during remedial operations for temporary storage at a facility. Staging piles must be designated by the Agency according to the requirements of 35 Ill. Adm. Code 724.654.

"State" means any of the several states, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

"Storage" means the holding of hazardous waste for a temporary period, at the end of which the hazardous waste is treated, disposed of, or stored elsewhere.

"Sump" means any pit or reservoir that meets the definition of tank and those troughs or trenches connected to it that serve to collect hazardous waste for transport to hazardous waste storage, treatment, or disposal facilities, except that, as used in the landfill, surface impoundment, and waste pile rules, "sump" means any lined pit or reservoir that serves to collect liquids drained from a leachate collection and removal system or leak detection system for subsequent removal from the system.

"Surface impoundment" or "impoundment" means a facility or part of a facility which is a natural topographic depression, manmade excavation, or diked area formed primarily of earthen materials (although it may be lined with manmade materials) which is designed to hold an accumulation of liquid wastes or wastes containing free liquids and which is not an injection well. Examples of surface impoundments are holding, storage, settling, and aeration pits, ponds, and lagoons.

"Tank" means a stationary device, designed to contain an accumulation of hazardous waste, that which is constructed primarily of nonearthen materials (e.g., wood, concrete, steel, plastic) which provide structural support.

"Tank system" means a hazardous waste storage or treatment tank and its associated ancillary equipment and containment system.

"Thermal treatment" means the treatment of hazardous waste in a device which uses elevated temperatures as the primary means to change the chemical, physical, or biological character or composition of the hazardous waste. Examples of thermal treatment processes are incineration, molten salt, pyrolysis, calcination, wet air oxidation,

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and microwave discharge. (See also "incinerator" and "open burning".)

"Thermostat" means a temperature control device that contains metallic mercury in an ampule attached to a bimetal sensing element and mercury-containing ampules that have been removed from such a temperature control device in compliance with the requirements of 35 Ill. Adm. Code 733.113(c)(2) or 733.133(c)(2).

"Totally enclosed treatment facility" means a facility for the treatment of hazardous waste which is directly connected to an industrial production process and which is constructed and operated in a manner which prevents the release of any hazardous waste or any constituent thereof into the environment during treatment. An example is a pipe in which waste acid is neutralized.

"Transfer facility" means any transportation related facility, including loading docks, parking areas, storage areas, and other similar areas where shipments of hazardous waste are held during the normal course of transportation.

"Transport vehicle" means a motor vehicle or rail car used for the transportation of cargo by any mode. Each cargo-carrying body (trailer, railroad freight car, etc.) is a separate transport vehicle.

"Transportation" means the movement of hazardous waste by air, rail, highway, or water.

"Transporter" means a person engaged in the off-site transportation of hazardous waste by air, rail, highway, or water.

"Treatability study" means:

A study in which a hazardous waste is subjected to a treatment process to determine:

Whether the waste is amenable to the treatment process.

What pretreatment (if any) is required.

The optimal process conditions needed to achieve the desired treatment.

The efficiency of a treatment process for a specific waste or wastes. *Br*

The characteristics and volumes of residuals from a particular treatment process.

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Also included in this definition for the purpose of 35 Ill. Adm. Code 721.104(e) and (f) exemptions are liner compatibility, corrosion, and other material compatibility studies and toxicological and health effects studies. A "treatability study" is not a means to commercially treat or dispose of hazardous waste.

"Treatment" means any method, technique, or process, including neutralization, designed to change the physical, chemical, or biological character or composition of any hazardous waste so as to neutralize such waste, or so as to recover energy or material resources from the waste, or so as to render such waste non-hazardous or less hazardous; safer to transport, store, or dispose of; or amenable for recovery, amenable for storage, or reduced in volume.

"Treatment zone" means a soil area of the unsaturated zone of a land treatment unit within which hazardous constituents are degraded, transformed, or immobilized.

"Underground injection" means the subsurface emplacement of fluids through a bored, drilled, or driven well, or through a dug well, where the depth of the dug well is greater than the largest surface dimension. (See also "injection well".)

"Underground tank" means a device meeting the definition of "tank" whose entire surface area is totally below the surface of and covered by the ground.

"Unfit-for-use tank system" means a tank system that has been determined, through an integrity assessment or other inspection, to be no longer capable of storing or treating hazardous waste without posing a threat of release of hazardous waste to the environment.

"United States" means the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

"Universal waste" means any of the following hazardous wastes that are managed under the universal waste requirement of 35 Ill. Adm. Code 733:

Batteries, as described in 35 Ill. Adm. Code 733.102;

Pesticides, as described in 35 Ill. Adm. Code 733.103;

Thermostats, as described in 35 Ill. Adm. Code 733.104; and

Mercury-containing lamps, as described in 35 Ill. Adm. Code

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733.1107.

BOARD NOTE: Mercury-containing lamps were added as universal waste pursuant to Section 27.23a of the Act [415 ILCS 5/22.23a] (see P.A. 90-502, effective August 19, 1997).

"Universal waste handler" means either of the following:

- A generator (as defined in this Section) of universal waste; or
- The owner or operator of a facility, including all contiguous property, that receives universal waste from other universal waste handlers, accumulates the universal waste, and sends that universal waste to another universal waste handler, to a destination facility, or to a foreign destination.

"Universal waste handler" does not mean:

- A person that treats (except under the provisions of Section 733.113(a) or (c) or 733.133(a) or (c)), disposes of, or recycles universal waste; or

A person engaged in the off-site transportation of universal waste by air, rail, highway, or water, including a universal waste transfer facility.

"Universal waste transporter" means a person engaged in the off-site transportation of universal waste by air, rail, highway, or water.

"Unsatuated zone" or "zone of aeration" means the zone between the land surface and the water table.

"Uppermost aquifer" means the geologic formation nearest the natural ground surface that is an aquifer, as well as lower aquifers that are hydraulically interconnected with this aquifer within the facility's property boundary.

"USDOT" or "Department of Transportation" means the United States Department of Transportation.

"Used oil" means any oil that has been refined from crude oil, or any synthetic oil, that has been used and as a result of such use is contaminated by physical or chemical impurities.

"USEPA" or "EPA" or "U.S. EPA" means the United States Environmental Protection Agency.

"Vessel" includes every description of watercraft, used or capable of being used as a means of transportation on the water.

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"Wastewater treatment unit" means a device which:

Is part of a wastewater treatment facility which has an NPDES permit pursuant to 35 Ill. Adm. Code 309 or a pretreatment permit or authorization to discharge pursuant to 35 Ill. Adm. Code 310; and

Receives and treats or stores an influent wastewater which is a hazardous waste as defined in 35 Ill. Adm. Code 721.103, or generates and accumulates a wastewater treatment sludge which is a hazardous waste as defined in 35 Ill. Adm. Code 721.103, or treats or stores a wastewater treatment sludge which is a hazardous waste as defined in 35 Ill. Adm. Code 721.103; and

Meets the definition of tank or tank system in this Section.

"Water (bulk shipment)" means the bulk transportation of hazardous waste which is loaded or carried on board a vessel without containers or labels.

"Well" means any shaft or pit dug or bored into the earth, generally of a cylindrical form, and often walled with bricks or tubing to prevent the earth from caving in.

"Well injection" (see "underground injection").

"Zone of engineering control" means an area under the control of the owner or operator that, upon detection of a hazardous waste release, can be readily cleaned up prior to the release of hazardous waste or hazardous constituents to groundwater or surface water.

(Source: Amended at 23 Ill. Reg. 9094 effective July 26 1999)

Section 720.111 References

- a) The following publications are incorporated by reference for the purposes of this Part and 35 Ill. Adm. Code 703 through 705, 721 through 726, 730, 731, 733, 738, and 739:

ACI. Available from the American Concrete Institute, Box 19150, Redford Station, Detroit, Michigan 48219:

ACI 318-83: "Building Code Requirements for Reinforced Concrete", adopted September, 1983.

ANSI. Available from the American National Standards Institute, 1430 Broadway, New York, New York 10018, 212-354-3300:

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- ANSI B31.3 and B31.4. See ASME/ANSI B31.3 and B31.4.
- API. Available from the American Petroleum Institute, 1220 L Street, N.W., Washington, D.C. 20005, 202-682-8000:
- "Cathodic Protection of Underground Petroleum Storage Tanks and Piping Systems", API Recommended Practice 1632, Second Edition, December, 1987.
- "Evaporative Loss from External Floating-Roof Tanks", API Publication 2517, Third Edition, February, 1989.
- "Guide for Inspection of Refinery Equipment. Chapter XIII, Atmospheric and Low Pressure Storage Tanks", 4th Edition, 1981, reaffirmed December, 1987.
- "Installation of Underground Petroleum Storage Systems", API Recommended Practice 1613, Fourth Edition, November, 1987.
- APTI. Available from the Air and Waste Management Association, Box 2861, Pittsburgh, PA 15230, 412-232-3444:
- APTI Course 415: Control of Gaseous Emissions, USEPA Publication EPA-450/2-81-005, December, 1981.
- ASME. Available from the American Society of Mechanical Engineers, 345 East 47th Street, New York, NY 10017, 212-705-7722:
- "Chemical Plant and Petroleum Refinery Piping", ASME/ANSI B31.3-1987, as supplemented by B31.3a-1988 and B31.3b-1988. Also available from ANSI.
- "Liquid Transportation Systems for Hydrocarbons, Liquid Petroleum Gas, Anhydrous Ammonia, and Alcohols", ASME/ANSI B31.4-1986, as supplemented by B31.4a-1987. Also available from ANSI.
- ASTM. Available from American Society for Testing and Materials, 1916 Race Street, Philadelphia, PA 19103, 215-299-5400:
- ASTM C94-90, Standard Specification for Ready-Mixed Concrete, approved March 30, 1990.
- ASTM D88-87, Standard Test Method for Saybolt Viscosity, April 24, 1981, reapproved January, 1987.
- ASTM D93-85, Standard Test Methods for Flash Point by

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- Fensky - Martens Closed Tester, approved October 25, 1985.
- ASTM D1946-90, Standard Practice for Analysis of Reformed Gas by Gas Chromatography, approved March 30, 1990.
- ASTM D2161-87, Standard Practice for Conversion of Kinematic Viscosity to Saybolt Universal or to Saybolt Furol Viscosity, March 27, 1987.
- ASTM D2267-88, Standard Test Method for Aromatics in Light Naphthas and Aviation Gasolines by Gas Chromatography, approved November 17, 1988.
- ASTM D2382-88, Standard Test Method for Heat of Combustion of Hydrocarbon Fuels by Bomb Calorimeter (High Precision Method), approved October 31, 1988.
- ASTM D2879-92, Standard Test Method for Vapor Pressure-Temperature Relationship and Initial Decomposition Temperature of Liquids by Isoteniscope, approved 1992.
- ASTM D3828-87, Standard Test Methods for Flash Point of Liquids by Setflash Closed Tester, approved December 14, 1988.
- ASTM E168-88, Standard Practices for General Techniques of Infrared Quantitative Analysis, approved May 27, 1988.
- ASTM E169-87, Standard Practices for General Techniques of Ultraviolet-Visible Quantitative Analysis, approved February 1, 1987.
- ASTM E260-85, Standard Practice for Packed Column Gas Chromatography, approved June 28, 1985.
- ASTM Method G21-70 (1984a) -- Standard Practice for Determining Resistance of Synthetic Polymer Materials to Fungi.
- ASTM Method G22-76 (1984b) -- Standard Practice for Determining Resistance of Plastics to Bacteria.
- GPO. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, 202-783-3238:
- Standard Industrial Classification Manual (1972), and 1977 Supplement, republished in 1983.

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"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication number SW-846 (Third Edition, November, 1986), as amended by Updates I (July, 1992), II (September, 1994), IIA (August, 1993), IIB (January, 1995), and III (December, 1996) (Document Number 955-001-00000-1).

NACE. Available from the National Association of Corrosion Engineers, 1400 South Creek Dr., Houston, TX 77084, 713-492-0535.

"Control of External Corrosion on Metallic Buried, Partially Buried, or Submerged Liquid Storage Systems", NACE Recommended Practice RP/02/85, approved March, 1985.

NFPA. Available from the National Fire Protection Association, Batterymarch Park, Boston, MA 02269, 617-770-3000 or 800-344-3555;

"Flammable and Combustible Liquids Code" NFPA 30, issued July 17, 1987. Also available from ANSI.

NTIS. Available from the U.S. Department of Commerce, National Technical Information Service, 5285 Port Royal Road, Springfield, VA 22161, 703-487-4600.

APTI Course 415: Control of Gaseous Emissions, USEPA Publication EPA-450/2-81-005, December, 1981.

"Generic Quality Assurance Project Plan for Land Disposal Restrictions Program", EPA/530-SW-87-011, March 15, 1987; (Document number PB 88-1707667).

"Guideline on Air Quality Models", Revised 1986. (Document number PB86-245-248 (Guideline) and PB88-150-958 (Supplement), also set forth at 40 CFR 51, Appendix W).

"Methods for Chemical Analysis of Water and Wastes", Third Edition, March, 1983; (Document number PB 84-128677).

"Methods Manual for Compliance with BIF Regulations", December, 1990; (Document number PB91-120-006).

"Petitions to Delist Hazardous Wastes--A Guidance Manual, Second Edition", EPA/530-R-93-007, March, 1993; (Document Number PB 93-169 365).

"Screening Procedures for Estimating the Air Quality Impact of Stationary Sources", October, 1992, Publication Number

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EPA-450/R-92-019.

"Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication number SW-846 (Third Edition, November, 1986), as amended by Updates I (July, 1992), II (September, 1994), IIA (August, 1993), IIB (January, 1995), and III (December, 1996) (Document Number 955-001-00000-1).

OECD. Organization for Economic Co-operation and Development. Environment Directorate, 2 rue Andre Pascal, 75775 Paris Cedex 16, France):

OECD Guideline for Testing of Chemicals, Method 301B: "CO(2) Evolution (Modified Sturm Test)", adopted 17 July 1992.

Table 2.B of the Annex of OECD Council Decision C(88)90(Final) of 27 May 1988.

STI. Available from the Steel Tank Institute, 728 Anthony Trail, Northbrook, IL 60062, 708-498-1980:

"Standard for Dual Wall Underground Steel Storage Tanks" (1986).

U.S. DOD. Available from the United States Department of Defense:

"DOD Ammunition and Explosive Safety Standards" (DOD 6055.9-STD), as in effect on November 8, 1995.

The Motor Vehicle Inspection Report (DD Form 626), as in effect on November 8, 1995.

Requisition Tracking Form (DD Form 1348), as in effect on November 8, 1995.

The Signature and Talley Record (DD Form 1907), as in effect on November 8, 1995.

Special Instructions for Motor Vehicle Drivers (DD Form 836), as in effect on November 8, 1995.

USEPA. Available from United States Environmental Protection Agency, Office of Drinking Water, State Programs Division, WH 550 E, Washington, D.C. 20460:

"Technical Assistance Document: Corrosion, Its Detection and Control in Injection Wells", EPA 570/9-87-002, August,

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1987.

USEPA. Available from Receptor Analysis Branch, USEPA (MD-14), Research Triangle Park, NC 27711:

"Screening Procedures for Estimating the Air Quality Impact of Stationary Sources, Revised", October, 1992, Publication Number EPA-450/R-92-019.

USEPA. Available from RCRA Information Center (RIC), 1235 Jefferson-Davis Highway, first floor, Arlington, VA 22203 (Docket #F-94-1IEP-FFFFF):

OECD Amber List of Wastes, Appendix 4 to the OECD Council Decision C(92)39/FINAL (Concerning the Control of Transfrontier Movements of Wastes Destined for Recovery Operations) (May 1993).

OECD Green List of Wastes, Appendix 3 to the OECD Council Decision C(92)39/FINAL (Concerning the Control of Transfrontier Movements of Wastes Destined for Recovery Operations) (May 1994).

OECD Red List of Wastes, Appendix 5 to the OECD Council Decision C(92)39/FINAL (Concerning the Control of Transfrontier Movements of Wastes Destined for Recovery Operations) (May 1993).

Table 2.B of the Annex of OECD Council Decision C(88)90(Final) (May 27, 1988).

U.S. GSA. Available from the United States Government Services Administration:

Government Bill of Lading (GBL) (GSA Standard Form 1109), as in effect on November 8, 1995.

b) Code of Federal Regulations. Available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20401, 202-783-3238:

10 CFR 20, Appendix B (1998 1997)

40 CFR 51.100(ii) (1998 1997)

40 CFR 51, Appendix W (1998 1997)

40 CFR 52.741, Appendix B (1998 1997)

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40 CFR 60 (1998 1997)

40 CFR 61, Subpart V (1998 1997)

40 CFR 63 (1998 1997)--as amended at 63 Fed. Reg. 48394 (Apr. 15, 1998)

40 CFR 136 (1998 1997), as corrected at 63 Fed. Reg. 38756 (July 20, 1998) and 63 Fed. Reg. 44146 (Aug. 18, 1998) and amended at 63 Fed. Reg. 50387 48394 (Sep. 21 15, 1998 1997)

40 CFR 142 (1998 1997)

40 CFR 220 (1998 1997)

40 CFR 232.2 (1998)

40 CFR 260.20 (1998 1997)

40 CFR 264 (1998 1997)

40 CFR 268.41 (1990)

40 CFR 268-Appendix IX (1998 1997)

40 CFR 270.5 (1998)

40 CFR 302.4, 302.5, and 302.6 (1998 1997)

40 CFR 761 (1998 1997)

49 CFR 171 (1998 1997)

49 CFR 173 (1998 1997)

49 CFR 178 (1998 1997)

c) Federal Statutes

Section 3004 of the Resource Conservation and Recovery Act (42 USC 6901 et seq.), as amended through December 31, 1987.

Sections 201(v), 201(w), and 360b(j) of the Federal Food, Drug, and Cosmetic Act (FFDCA; 21 USC 321(v), 321(w), and 512(j)), as amended through October 25, 1994.

Section 1412 of the Department of Defense Authorization Act of 1986, Pub. L. 99-145, 50 USC 1521(j)(1) (1997).

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d) This Section incorporates no later editions or amendments.

(Source: Amended at 23 Ill. Reg. 9094, effective JUL 26 1999)

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1) Heading of the Part: Identification And Listing of Hazardous Waste

2) Code citation: 35 Ill. Adm. Code 721

3) Section Numbers: Proposed Action:
721.102 Amended
721.104 Amended
721.Appendix Z Amended

4) Statutory authority: 415 ILCS 5/7.2, 22.4 and 27.

5) Effective date of amendments: July 26, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Do these amendments contain incorporations by reference? It+1
Yes. The existing text of Part 721 includes incorporations by reference. The centralized listing of incorporations by reference appears at 35 Ill. Adm. Code 720.111 for the purposes of all of 35 Ill. Adm. Code 702 through 705, 720 through 726, 728, 730, 733, and 739. The present amendments add the incorporation by reference of Federal Clean Water Act section 404 (dedging permit regulations) definitions of 40 CFR 232.2 at 35 Ill. Adm. Code 720.111 for the purposes of Section 721.104(g).

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the Board's principal office and is available for public inspection.

9) Notice of proposal published in Illinois Register:

April 23, 1999, 23 Ill. Reg. 4736

10) Has JCAR issued a Statement of Objections to these amendments? No

Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

11) Differences between proposal and final version:

Section Revised	Source(s) of Revision(s)	Revision(s)
721. table of contents	Board	Added "in R99-15"

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721.102(c)(3)	Board	Added May 11, 1999, federal amendments
721.102(e)(1)(C)	Board	Added May 11, 1999, federal amendments
721.104(a)(4)	JCAR	Changed "U.S.C." to "USC"
721.104(a)(16)	Board	Added May 11, 1999, federal amendments
721.104(a)(17)	Board	Added May 11, 1999, federal amendments
721.104(a)(17)(D)(ii)	Board	Corrected "run on/run-off" to "runon and runoff"
721.104(a)(17)(E)	Board	Added May 11, 1999, federal amendments
721.104(b)(7)(C)	Board	Added May 11, 1999, federal amendments
721.104(b)(7)(C)(i)	Board	Added May 11, 1999, federal amendments
721.104(b)(15)	JCAR, Board	Changed "disposed" to "disposed of;" changed "provided that" to "under certain circumstances;" added colon; moved text to new subsection (b)(15)(A)
721.104(b)(15)(A)	JCAR, Board	Moved text into a new Bord subsection; changed "are" to "must be"
721.104(b)(15)(A)(i)	JCAR, Board	Changed subsection level; changed "disposed" to "disposed of"
721.104(b)(15)(A)(ii)	JCAR, Board	Changed subsection level; changed "disposed" to "disposed of"
721.104(b)(15)(A)(iii)	JCAR, Board	Changed subsection level; corrected "do" to "does;" corrected "are" to "is"

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721.104(b)(15)(A)(iv)	JCAR, Board	Changed subsection level; corrected singular "section"
721.104(b)(15)(B)	JCAR, Board	Changed subsection number; changed "this subsection (b)(15) of this Section" to "this subsection (b)(15)"
721.104(g)	JCAR	Added word "section" before "404;" changed "U.S.C." to "USC"
721.104(g) "dredged material"	JCAR	Changed "same meaning as defined in . . ." to "same meaning as in . . .;" changed ending punctuation to a period
721.104(g) "permit" para. 3	JCAR	Changed "Section" to "definition"
721.104(g) Appendix Z	Board	Added May 11, 1999, federal amendments
<u>12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR?</u>		
Section 22.4(a) of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.		
<u>13) Will these amendments replace emergency amendments currently in effect?</u>		
No		
<u>14) Are there any other amendments pending on this Part? No</u>		
<u>15) Summary and purpose of amendments:</u>		
A more detailed description is contained in the Board's opinion and order of June 17, 1999 in docket #99-15, which opinion and order is available from the address below. Section 22.4 of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.		
This proceeding updates the Illinois RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by the United States Environmental Protection Agency (USEPA) that appeared in the Federal Register during a		

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single update period. The docket and time period that is involved in this proceeding is the following:

R99-15 Federal RCRA Subtitle C amendments that occurred during the period July 1, 1998, through December 31, 1998.

The R99-15 docket amends rules in Parts 703, 721, 724, 725, 726, 728, and 733. Prior to discussing the specific changes made to this Part, the Board will describe the docket as a whole, since amendments to various Parts may be inter-related. The following table briefly summarizes the federal actions in the update period:

63 Fed. Reg. 37780 USEPA withdrew segments of a May 6, 1998 (July 14, 1998) direct final rule that drew adverse comment.

63 Fed. Reg. 42109 (August 6, 1998) USEPA adopted new waste listings and land disposal restrictions (LDRs) for petroleum wastes, including certain exclusions from regulation as hazardous waste.

63 Fed. Reg. 42580 (August 10, 1998) USEPA adopted corrections to the May 4, 1998, organobromine production waste rules; the May 26, 1998, Phase IV LDRs; and the June 29, 1998, organobromine waste technical amendments.

63 Fed. Reg. 46331 (August 31, 1998) USEPA adopted technical amendments to the May 4, 1998, organobromine waste rules.

63 Fed. Reg. 47409 (September 4, 1998) USEPA changed the effective dates and adopted emergency amendments to the LDRs applicable to several carbamate wastes and waste constituents.

63 Fed. Reg. 48124 (September 9, 1998) USEPA issued an extension of the Phase IV LDR compliance deadline, until November 26, 1998, for certain limited metal-bearing wastes.

63 Fed. Reg. 51253 (September 24, 1998) USEPA adopted LDR treatment standards applicable to spent potliners from primary aluminum production.

63 Fed. Reg. 54356 (October 9, 1998) USEPA changed the compliance deadline of the August 6, 1998 petroleum waste rules until December 8, 1998.

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63 Fed. Reg. 56709 (October 22, 1998) USEPA amended the treatment, storage, and disposal facility standards to allow states to use mechanisms other than permits to approve facility post-closure care plans and to allow the closure of certain units through the corrective action program.

63 Fed. Reg. 64371 (November 19, 1998) USEPA issued a final decision not to list 14 waste solvents as hazardous waste.

63 Fed. Reg. 65873 (November 30, 1998) USEPA adopted new remedial action plan (RAP) requirements applicable to the treatment, storage, or disposal of hazardous remediation wastes during cleanup actions.

63 Fed. Reg. 71225 (December 24, 1998) USEPA adopted corrective and clarifying amendments to the May 11, 1995 (60 Fed. Reg. 25492) universal waste rule. The amendments correct aspects of the standards for spent lead-acid battery management and the definition of small quantity universal waste handler, and they clarify the export requirements for destination facilities that are universal waste handlers.

The Board has already taken or does not need to take action based on five sets of these federal RCRA Subtitle C amendments. The Board dealt with the federal action of July 14, August 10 and 31, September 9, and October 9, 1998, in the prior consolidated R98-21/R99-7 RCRA Subtitle C and underground injection control (UIC) update docket, adopted on December 17, 1998, and filed with the Secretary of State on January 19, 1999. (The Board made all but one of the federal amendments of August 6, 1998, in the consolidated R98-21/R99-7 update docket, but must complete the one minor amendment in this rulemaking.) The Board will not amend the Illinois regulations in response to the federal action of November 19, 1998, where the USEPA determination not to list the wastes as hazardous did not result in an amendment of the federal regulations.

In addition to the federal actions that fall within the timeframes of this docket, the Board is including additional federal actions that occurred later. These additional actions directly impact one or more of the actions that USEPA took within the timeframes that are involved.

64 Fed. Reg. 6806 (February 11, 1999) USEPA adopted amendments to the exclusions from the definition of hazardous waste that have the effect of deferring regulation of certain materials as hazardous waste until February 13, 2001. The wastes affected are

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landfill leachate and landfill gas condensate derived from previously-disposed petroleum refining wastes (USEPA hazardous waste codes K169 through K172, originally listed on August 6, 1998 (63 Fed. Reg. 42110), effective February 6, 1999, and adopted by the Board on December 17, 1998, in consolidated update docket R98-21/R99-2/R99-7, effective January 19, 1999).

The Board examined three federal actions that amended the Clean Water Act analytical methods, which are incorporated by reference in 35 Ill. Adm. Code 720.111. The Board updates the incorporation by reference.

63 Fed. Reg. 38756
(July 20, 1998)

USEPA published a correction to 40 C.F.R. 136.3(e) table, as published on July 1, 1997.

63 Fed. Reg. 44146
(August 18, 1998)

USEPA published a correction to 40 C.F.R. 136.3(e) table, as published on July 1, 1997.

63 Fed. Reg. 50387
(September 21, 1998)

USEPA adopted effluent discharge and wastewater pretreatment standards for the pharmaceutical manufacturing industry sector.

The Board dealt with the federal actions of July 20 and August 18, 1998, in the prior consolidated R98-21/R99-2/R99-7 RCRA Subtitle C and underground injection control (UIC) update docket, adopted on December 17, 1998, and filed with the Secretary of State on January 19, 1999. Thus, the Board is acting in this R99-15 docket on the following USEPA amendments:

63 Fed. Reg. 42109
(August 6, 1998)

USEPA adopted new waste listings and land disposal restrictions (LDRs) for petroleum wastes, including certain exclusions from regulation as hazardous waste.

63 Fed. Reg. 47409
(September 4, 1998)

USEPA changed the effective dates and adopted emergency amendments to the LDRs applicable to several carbamate wastes and waste constituents.

63 Fed. Reg. 50387
(September 21, 1998)

USEPA adopted effluent discharge and wastewater pretreatment standards for the pharmaceutical manufacturing industry sector.

63 Fed. Reg. 51253
(September 24, 1998)

USEPA adopted LDR treatment standards applicable to spent potliners from primary aluminum production.

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63 Fed. Reg. 56709
(October 22, 1998)

USEPA amended the treatment, storage, and disposal facility standards to allow states to use mechanisms other than permits to approve facility post-closure care plans and to allow the closure of certain units through the corrective action program.

63 Fed. Reg. 65873
(November 30, 1998)

USEPA adopted new remedial action plan (RAP) requirements applicable to the treatment, storage, or disposal of hazardous remediation wastes during cleanup actions.

63 Fed. Reg. 71225
(December 24, 1998)

USEPA adopted corrective and clarifying amendments to the May 11, 1995 (60 Fed. Reg. 25492) universal waste rule. The amendments correct aspects of the standards for spent lead-acid battery management and the definition of small quantity universal waste handler, and they clarify the export requirements for destination facilities that are universal waste handlers.

64 Fed. Reg. 6806
(February 11, 1999)

USEPA adopted amendments to the exclusions from the definition of hazardous waste that have the effect of deferring regulation of certain materials as hazardous waste until February 13, 2001. The wastes affected are landfill leachate and landfill gas condensate derived from previously-disposed petroleum refining wastes (USEPA hazardous waste codes K169 through K172, originally listed on August 6, 1998 (63 Fed. Reg. 42110), effective February 6, 1999, and adopted by the Board on December 17, 1998, in consolidated update docket R98-21/R99-2/R99-7, effective January 19, 1999).

Specifically, the amendments to Part 721 implement segments of the federal November 30, 1998 hazardous waste remediation waste amendments and the February 11, 1999, exclusion for landfill leachate and landfill gas condensate derived from previously-disposed petroleum refining wastes.

Section 22.4 of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

16) Information and questions regarding these adopted amendments shall be

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directed to:

Michael J. McCambridge
Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601
312-814-6924

Request copies of the Board's opinion and order of June 17, 1999 in docket
R99-15 from Patricia Jones, at 312-814-3620.

The full text of the adopted amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 721

IDENTIFICATION AND LISTING OF
HAZARDOUS WASTE

SUBPART A: GENERAL PROVISIONS

Section	Quantity
721.101 Purpose of Scope	
721.102 Definition of Solid Waste	
721.103 Definition of Hazardous Waste	
721.104 Exclusions	
721.105 Special Requirements for Hazardous Waste Generated by Small Quantity Generators	
721.106 Requirements for Recyclable Materials	
721.107 Residues of Hazardous Waste in Empty Containers	
721.108 PCB Wastes Regulated under TSCA	
721.109 Requirements for Universal Waste	

SUBPART B: CRITERIA FOR IDENTIFYING THE
CHARACTERISTICS OF HAZARDOUS WASTE
AND FOR LISTING HAZARDOUS WASTES

Section	Quantity
721.110 Criteria for Identifying the Characteristics of Hazardous Waste	
721.111 Criteria for Listing Hazardous Waste	

SUBPART C: CHARACTERISTICS OF HAZARDOUS WASTE

Section	Quantity
721.120 General	
721.121 Characteristic of Ignitability	
721.122 Characteristic of Corrosivity	
721.123 Characteristic of Reactivity	
721.124 Toxicity Characteristic	

SUBPART D: LISTS OF HAZARDOUS WASTE

Section	Quantity
721.130 General	
721.131 Hazardous Wastes From Nonspecific Sources	
721.132 Hazardous Waste from Specific Sources	
721.133 Discarded Commercial Chemical Products, Off-Specification Species, Container Residues, and Spill Residues Thereof	

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721.135 Wood Preserving Wastes

721.138 Comparable or Syngas Fuel Exclusion

APPENDIX A Representative Sampling Methods

APPENDIX B Method 1311 Toxicity Characteristic Leaching Procedure (TCLP)

APPENDIX C Chemical Analysis Test Methods

TABLE A Analytical Characteristics of Organic Chemicals (Repealed)

TABLE B Analytical Characteristics of Inorganic Species (Repealed)

TABLE C Sample Preparation/Sample Introduction Techniques (Repealed)

APPENDIX G Basis for Listing Hazardous Wastes

APPENDIX H Hazardous Constituents

APPENDIX I Wastes Excluded by Administrative Action

TABLE A Wastes Excluded by U.S. EPA under 40 CFR 260.20 and 260.22 from Non-Specific Sources

TABLE B Wastes Excluded by USEPA under 40 CFR 260.20 and 260.22 from Specific Sources

TABLE C Wastes Excluded by U.S. EPA under 40 CFR 260.20 and 260.22 from Commercial Chemical Products, Off-Specification Species, Container Residues, and Soil Residues Thereof

TABLE D Wastes Excluded by the Board by Adjusted Standard

APPENDIX J Method of Analysis of Chlorinated Dibenzop-p-Dioxins and Dibenzofurans (Repealed)

APPENDIX Z Table to Section 721.102

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/22.4 and 27].

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 7981, effective May 17, 1982; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-18, 51 PCB 31, at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R82-19, 53 PCB 131, at 7 Ill. Reg. 13999, effective October 12, 1983; amended in R84-34, 61 PCB 247, at 8 Ill. Reg. 24562, effective December 11, 1984; amended in R84-9, at 9 Ill. Reg. 11834, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 998, effective January 2, 1986; amended in R85-2 at 10 Ill. Reg. 8112, effective May 2, 1986; amended in R86-1 at 10 Ill. Reg. 14002, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20647, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6035, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13466, effective August 4, 1987; amended in R87-32 at 11 Ill. Reg. 16598, effective September 30, 1987; amended in R87-5 at 11 Ill. Reg. 13033, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2456, effective January 15, 1988; amended in R87-30 at 12 Ill. Reg. 12070, effective July 12, 1988; amended in R87-39 at 12 Ill. Reg. 13006, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 382, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg. 18300, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14401, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16472, effective September 25, 1990; amended in R90-17 at 15 Ill. Reg. 7950, effective May 9, 1991; amended in R90-11 at 15 Ill. Reg. 9332, effective June 17, 1991;

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amended in R91-1 at 15 Ill. Reg. 14473, effective September 30, 1991; amended in R91-12 at 16 Ill. Reg. 2155, effective January 27, 1992; amended in R91-26 at 16 Ill. Reg. 2600, effective February 3, 1992; amended in R91-13 at 16 Ill. Reg. 9519, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17666, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5650, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20568, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6741, effective April 16, 1994; amended in R94-7 at 18 Ill. Reg. 12175, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17490, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9522, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 10963, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 275, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7615, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17531, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 1718, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 3135, effective July 26, 1999.

SUBPART A: GENERAL PROVISIONS

Section 721.102 Definition of Solid Waste

a) Solid waste.

- 1) A solid waste is any discarded material that is not excluded by Section 721.104(a) or that is not excluded pursuant to 35 Ill. Adm. Code 720.130 and 720.131.
- 2) A discarded material is any material that is:
 - A) Abandoned, as explained in subsection (b) of this Section;
 - B) Recycled, as explained in subsection (c) of this Section;
 - C) Considered inherently waste-like, as explained in subsection (d) of this Section; or
 - D) A military munition identified as a solid waste in 35 Ill. Adm. Code 726.302.

b) Materials are solid waste if they are abandoned by being:

- 1) Disposed of; or
- 2) Burned or incinerated; or
- 3) Accumulated, stored or treated (but not recycled) before or in lieu of being abandoned by being disposed of, burned or incinerated.

c) Materials are solid wastes if they are recycled -- or accumulated, stored or treated before recycling -- as specified in subsections (C)(1) through (C)(4) of this Section if they are:

- 1) Used in a manner constituting disposal.
 - A) Materials noted with a "yes" in column 1 of the table in appendix 2 of this Part are solid wastes when they are:
 - i) Applied to or placed on the land in a manner that constitutes disposal; or
 - ii) Used to produce products that are applied to or placed on the land or are otherwise contained in products that

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are applied to or placed on the land (in which cases the product itself remains a solid waste).

- B) However, commercial chemical products listed in Section 721.133 are not solid wastes if they are applied to the land and that is their ordinary manner of use.

2) Burned for energy recovery.

- A) Materials noted with a "yes" in column 2 of the table in appendix 2 of this Part are solid wastes when they are:

- i) Burned to recover energy;
- ii) Used to produce a fuel or are otherwise contained in fuels (in which case the fuel itself remains a solid waste);
- iii) Contained in fuels (in which case the fuel itself remains a solid waste).

- B) However, commercial chemical products listed in Section 721.133 are not solid wastes if they are themselves fuels.

- 3) Reclaimed. Materials noted with a "yes" in column 3 of the table in appendix 2 of this Part are solid wastes when reclaimed (except as provided under Section 721.104(a)(1745)). Materials noted with a "yes" in column 3 of Appendix 2 of this Part are not solid wastes when reclaimed (except as provided under Section 721.104(a)(1745)).

- 4) Accumulated speculatively. Materials noted with "yes" in column 4 of the table in Appendix 2 are solid wastes when accumulated speculatively.

- d) Inherently waste-like materials. The following materials are solid wastes when they are recycled in any manner:

- 1) Hazardous waste numbers F020, F021 (unless used as an ingredient to make a product at the site of generation), F022, F023, F026, and F028.

- 2) Secondary materials fed to a halogen acid furnace that exhibit a characteristic of a hazardous waste or are listed as a hazardous waste as defined in Subpart C or D of this Part, except for brominated material that meets the following criteria:

- A) The material must contain a bromine concentration of at least 45 percent;
- B) The material must contain less than a total of one percent of toxic organic compounds listed in appendix H of this Part; and

- C) The material is processed continually on-site in the halogen acid furnace via direct conveyance (hard piping).

- 3) The following criteria are used to add wastes to the list:

- A) Disposal method or toxicity
 - i) The materials are ordinarily disposed of, burned, or incinerated; or
 - ii) The materials contain toxic constituents listed in Appendix H of this Part and these constituents are not ordinarily found in raw materials or products for

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which the materials substitute (or are found in raw materials or products in smaller concentrations) and are not used or reused during the recycling process; and

- B) The material may pose a substantial hazard to human health and the environment when recycled.

- e) Materials that are not solid waste when recycled.

- 1) Materials are not solid wastes when they can be shown to be recycled by being:
 - A) Used or reused as ingredients in an industrial process to make a product, provided the materials are not being reclaimed; or
 - B) Used or reused as effective substitutes for commercial products; or

- C) Returned to the original process from which they are generated, without first being reclaimed or land disposed. The material must be returned as a substitute for feedstock materials. In cases where the original process to which the material is returned is a secondary process, the materials must be managed in such a manner that there is no placement on the land. In cases where the materials are generated and reclaimed within the primary mineral processing industry, the conditions of the exclusion found at Section 721.104(a)(1745) apply rather than this provision.

- 2) The following materials are solid wastes, even if the recycling involves use, reuse, or return to the original process (described in subsections (e)(1)(A) through (e)(1)(C) of this Section):

- A) Materials used in a manner constituting disposal or used to produce products that are applied to the land; or
- B) Materials burned for energy recovery; used to produce a fuel, or contained in fuels; or
- C) Materials accumulated speculatively; or
- D) Materials listed in subsections (d)(1) and (d)(2) of this Section.

- f) Documentation of claims that materials are not solid wastes or are conditionally exempt from regulation. Respondents in actions to enforce regulations implementing Subtitle C of RCRA or Section 21 of the Environmental Protection Act that raise a claim that a certain material is not solid waste or that the material is conditionally exempt from regulation must demonstrate that there is a known market or disposition for the material and that they meet the terms of the exclusion or exemption. In doing so, the person must provide appropriate documentation (such as contracts showing that a second person used the material as an ingredient in a production process) to demonstrate that the material is not a waste or that the material is exempt from regulation. In addition, owners or operators of facilities claiming that they actually are recycling materials must show that they have the necessary equipment to do so.

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(Source: Amendment 23 Ill. Reg. - 01-35-2 effective 01-26-83)

Section 721.104 Exclusions

- a) Materials that are not solid wastes. The following materials are not solid wastes for the purpose of this Part:
- 1) Sewage:
 - A) Domestic sewage (untreated sanitary wastes that pass through a sewer system); and
 - B) Any mixture of domestic sewage and other waste that passes through a sewer system to publicly-owned treatment works for treatment.
 - 2) Industrial wastewater discharges that are point source discharges with National Pollutant Discharge Elimination System (NPDES) permits issued by the Agency pursuant to Section 12(f) of the Environmental Protection Act and 35 Ill. Adm. Code 309.
- BOARD NOTE: This exclusion applies only to the actual point source discharge. It does not exclude industrial wastewaters while they are being collected, stored, or treated before discharge, nor does it exclude sludges that are generated by industrial wastewater treatment.
- 3) Irrigation return flows.
 - 4) Source, special nuclear, or by-product material as defined by the Atomic Energy Act of 1954, as amended (42 USC 8582-2011 et seq.).
 - 5) Materials subjected to in-situ mining techniques that are not removed from the ground as part of the extraction process.
 - 6) Pulp liquors (i.e., black liquors) that are reclaimed in a pulping liquor recovery furnace and then reused in the pulping process, unless accumulated speculatively, as defined in Section 721.101(c).
 - 7) Spent sulfuric acid used to produce virgin sulfuric acid unless it is accumulated speculatively, as defined in Section 721.101(c).
 - 8) Secondary materials that are reclaimed and returned to the original process or processes in which they were generated where they are reused in the production process, provided:
 - A) Only tank storage is involved, and the entire process through completion of reclamation is closed by being entirely connected with pipes or other comparable enclosed means of conveyance;
 - B) Reclamation does not involve controlled flame combustion (such as occurs in boilers, industrial furnaces, or incinerators);
 - C) The secondary materials are never accumulated in such tanks for over twelve months without being reclaimed; and
 - D) The reclaimed material is not used to produce a fuel or used

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- to produce products that are used in a manner constituting disposal.
- 9) Wood preserving wastes.
 - A) Spent wood preserving solutions that have been used and which are reclaimed and reused for their original intended purpose;
 - B) Wastewaters from the wood preserving process that have been reclaimed and which are reused to treat wood; and
 - C) Prior to reuse, the wood preserving wastewaters and spent wood preserving solutions described in subsection (a)(9)(A) and (a)(9)(B) of this Section, so long as they meet all of the following conditions:
 - i) The wood preserving wastewaters and spent wood preserving solutions are reused on-site at water borne plants in the production process for their original intended purpose;
 - ii) Prior to reuse, the wastewaters and spent wood preserving solutions are managed to prevent release to either land or groundwater or both;
 - iii) Any unit used to manage wastewaters or spent wood preserving solutions prior to reuse can be visually or otherwise determined to prevent such releases;
 - iv) Any drip pad used to manage the wastewaters, or spent wood preserving solutions prior to reuse complies with the standards in 35 Ill. Adm. Code 725.Subpart W, regardless of whether the plan generates a total of less than 100 kg/month of hazardous waste; and
 - v) Prior to operating pursuant to this exclusion, the plant owner or operator submits a one-time notification to the Agency stating that the plant intends to claim the exclusion, giving the date on which the plant intends to begin operating under the exclusion, and containing the following language: "I have read the applicable regulation establishing an exclusion for wood preserving wastewaters and spent wood preserving solutions and understand it requires me to comply at all times with the conditions set out in the regulation." The plant must maintain a copy of that document in its on-site records for a period of no less than three years from the date specified in the notice. The exclusion applies only so long as the plant meets all of the conditions. If the plant goes out of compliance with any condition, it may apply to the Agency for reinstatement. The Agency shall reinstate the exclusion in writing if it finds that the plant has returned to compliance with all conditions and that violations are not likely to recur. If the Agency denies an application, it shall transmit to the

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applicant specific, detailed statements in writing as to the reasons it denied the application. The applicant under this subsection (a)(9)(C)(v) may appeal the Agency's determination to deny the reinstatement, to grant the reinstatement with conditions, or to terminate a reinstatement before the Board pursuant to Section 40 of the Act (415 ILCS 5/40).

- 10) Hazardous waste numbers K060, K087, K141, K142, K143, K144, K145, K147, and K148, and any wastes from the coke by-products processes that are hazardous only because they exhibit the toxicity characteristic specified in Section 721.124, when subsequent to generation these materials are recycled to coke ovens, to the tar recovery process as a feedstock to produce coal tar, or are mixed with coal tar prior to the tar's sale or refining. This exclusion is conditioned on there being no land disposal of the waste from the point it is generated to the point it is recycled to coke ovens, to tar recovery, to the tar refining processes, or prior to when it is mixed with coal.
- 11) Nonwastewater splash condenser dross residue from the treatment of hazardous waste number K061 in high temperature metals recovery units, provided it is shipped in drums (if shipped) and not land disposed before recovery.
- 12) Certain oil-bearing hazardous secondary materials and recovered oil, as follows:

- A) Oil-bearing hazardous secondary materials (i.e., sludges, byproducts, or spent materials) that are generated at a petroleum refinery (standard industrial classification (SIC code 2911) and are inserted into the petroleum refining process (SIC code 2911: including, but not limited to, distillation, catalytic cracking, fractionation, or thermal cracking units (i.e., cokers)) unless the material is placed on the land, or speculatively accumulated before being so recycled. Materials inserted into thermal cracking units are excluded under this subsection (a)(12), provided that the coke product also does not exhibit a characteristic of hazardous waste. Oil-bearing hazardous secondary materials may be inserted into the same petroleum refinery where they are generated or sent directly to another petroleum refinery and still be excluded under this provision. Except as provided in subsection (a)(12)(B) of this Section, oil-bearing hazardous secondary materials generated elsewhere in the petroleum industry (i.e., from sources other than petroleum refineries) are not excluded under this Section. Residuals generated from processing or recycling materials excluded under this subsection (a)(12)(A), where such materials as generated would have otherwise met a listing under Subpart D of this Part, are designated as USEPA hazardous waste number F037 listed wastes

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disposed of or intended for disposal.

- B) Recovered oils that is recycled in the same manner and with the same conditions as described in subsection (a)(12)(A) of this Section. Recovered oil is oil that has been reclaimed from secondary materials (including wastewater) generated from normal petroleum industry practices, including refining, exploration and production, bulk storage, and transportation incident thereto (SIC codes 1311, 1321, 1381, 1382, 1389, 2911, 4612, 4613, 4922, 4923, 4789, 5175, and 5172). Recovered oil does not include oil-bearing hazardous wastes listed in Subpart D of this Part; however, oil recovered from such wastes may be considered recovered oil. Recovered oil does not include used oil, as defined in 35 Ill. Adm. Code 739-100.

- 13) Excluded scrap metal (processed scrap metal, unprocessed home scrap metal, and unprocessed prompt scrap metal) being recycled.

- 14) Shredded circuit boards being recycled, provided that they meet the following conditions:

- A) The circuit boards are stored in containers sufficient to prevent a release to the environment prior to recovery; and
- B) The circuit boards are free of mercury switches, mercury relays and nickel-cadmium batteries and lithium batteries.
- 15) Condensates derived from the overhead gases from Kraft mill steam strippers that are used to comply with Federal Clean Air Act regulation 40 CFR 63.446(e). The exemption applies only to combustible fuels or comparable syngas fuels (i.e., comparable or

- syngas fuels) that meet the requirements of Section 721.138.

- 17) Secondary materials (i.e., sludges, by-products, and spent materials as defined in Section 721.101) (other than hazardous wastes listed in Subpart D of this Part) generated within the primary mineral processing industry from which minerals, acids, cyanide, water, or other values are recovered by mineral processing or by beneficiation, provided that:

- A) The secondary material is legitimately recycled to recover minerals, acids, cyanide, water, or other values;
- B) The secondary material is not accumulated speculatively;
- C) Except as provided in subsection (a)(16)(D) of this Section, the secondary material is stored in tanks, containers, or buildings that meet the following minimum integrity standards: a building must be an engineered structure with a floor, walls, and a roof all of which are made of non-earthen materials providing structural support (except that smelter buildings may have partially earthen floors, provided that the secondary material is stored on the non-earthen portion), and have a roof suitable for diverting rainwater away from the foundation; a tank must be free standing, not be a surface impoundment (as defined in 35

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Ill. Adm. Code 720.110), and be manufactured of a material suitable for containment of its contents; a container must be free standing and be manufactured of a material suitable for containment of its contents. If a tank or container contains any particulate which may be subject to wind dispersal, the owner or operator must operate the unit in a manner that controls fugitive dust. A tank, container, or building must be designed, constructed, and operated to prevent significant releases to the environment of these materials.

- D) The Agency shall allow by permit that solid mineral processing secondary materials only may be placed on pads, rather than in tanks, containers, or buildings if the facility owner or operator can demonstrate the following: the solid mineral processing secondary materials do not contain any free liquid; the pads are designed, constructed, and operated to prevent significant releases of the secondary material into the environment; and the pads provide the same degree of containment afforded by the non-RCRA tanks, containers, and buildings eligible for exclusion.

i) The Agency shall also consider whether storage on pads poses the potential for significant releases via groundwater, surface water, and air exposure pathways. Factors to be considered for assessing the groundwater, surface water, and air exposure pathways must include the following: the volume and physical and chemical properties of the secondary material, including its potential for migration off the pad; the potential for human or environmental exposure to hazardous constituents migrating from the pad via each exposure pathway; and the possibility and extent of harm to human and environmental receptors via each exposure pathway.

ii) Pads must meet the following minimum standards: they must be designed of non-carthen material that is compatible with the chemical nature of the mineral processing secondary material; they must be capable of withstanding physical stresses associated with placement and removal; they must have runoff and runoff controls; they must be operated in a manner which controls fugitive dust; and they must have integrity assurance through inspections and maintenance programs.

iii) Before making a determination under this subsection (a)(16)(D), the Agency shall provide notice and the opportunity for comment to all persons potentially interested in the determination. This can be

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accomplished by placing notice of this action in major local newspapers, or broadcasting notice over local radio stations.

BOARD NOTE: See 35 Ill. Adm. Code 703.Subpart D for the RCRA Subtitle C permit public notice requirements.

E) The owner or operator provides a notice to the Agency, identifying the following information: the types of materials to be recycled, the type and location of the storage units and recycling processes, and the annual quantities expected to be placed in non-land-based units. This notification must be updated when there is a change in the type of materials recycled or the location of the recycling process.

F) For purposes of subsection (b)(7) of this Section, mineral processing secondary materials must be the result of mineral processing and may not include any listed hazardous wastes. Listed hazardous wastes and characteristic hazardous wastes generated by non-mineral processing industries are not eligible for the conditional exclusion from the definition of solid waste.

177 ~~Comparable fuels or comparable syn-gas fuels (177-7 comparable--or syn-gas fuels)--that meet the requirements of Section 721.139.~~

18) Petrochemical recovered oil from an associated organic chemical manufacturing facility, where the oil is to be inserted into the petroleum refining process (SIC code 2911) along with normal petroleum refinery process streams, provided that both of the following conditions are true of the oil:

A) The oil is hazardous only because it exhibits the characteristic of ignitability (as defined in Section 721.121) or toxicity for benzene (Section 721.124, USRPA hazardous waste code D018);

B) The oil generated by the organic chemical manufacturing facility is not placed on the land, or speculatively accumulated before being recycled into the petroleum refining process. An "associated organic chemical manufacturing facility" is a facility for which all of the following is true: its primary SIC code is 2869, but its operations may also include SIC codes 2821, 2822, and 2865; it is physically co-located with a petroleum refinery; and the petroleum refinery to which the oil being recycled is returned also provides hydrocarbon feedstocks to the organic chemical manufacturing facility. "Petrochemical recovered oil" is oil that has been reclaimed from secondary materials (i.e., sludges, byproducts, or spent materials, including wastewater) from normal organic chemical manufacturing operations, as well as oil recovered from organic chemical manufacturing processes.

19) Spent caustic solutions from petroleum refining liquid treating

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processes used as a feedstock to produce cresylic or naphthenic acid unless the material is placed on the land, or accumulated speculatively as defined in Section 721.101(c).

- b) Solid wastes that are not hazardous wastes. The following solid wastes are not hazardous wastes:

1) Household waste, including household waste that has been collected, transported, stored, treated, disposed, recovered (e.g., refuse-derived fuel), or reused. "Household waste" means any waste material (including garbage, trash, and sanitary wastes in septic tanks) derived from households (including single and multiple residences, hotels, and motels, bunkhouses, ranger stations, crew quarters, campgrounds, picnic grounds, and day-use recreation areas). A resource recovery facility managing municipal solid waste shall not be deemed to be treating, storing, disposing of, or otherwise managing hazardous wastes for the purposes of regulation under this Part, if such facility:

- A) Receives and burns only:
- i) Household waste (from single and multiple dwellings, hotels, motels, and other residential sources); and
 - ii) Solid waste from commercial or industrial sources that does not contain hazardous waste; and

B) Such facility does not accept hazardous waste and the owner or operator of such facility has established contractual requirements or other appropriate notification or inspection procedures to assure that hazardous wastes are not received at or burned in such facility.

BOARD NOTE: The U.S. Supreme Court determined, in *City of Chicago v. Environmental Defense Fund, Inc.*, 511 U.S. 328, 114 S. Ct. 1588, 128 L. Ed. 2d 302 (1994), that this exclusion and RCRA section 3001(i) (42 USC 6921(i)) do not exclude the ash from facilities covered by this subsection from regulation as a hazardous waste. At 59 Fed. Reg. 29372 (June 7, 1994) USEPA granted facilities managing ash from such facilities that is determined a hazardous waste under Subpart C of this Part until December 7, 1994 to file a Part A permit application pursuant to 35 Ill. Adm. Code 703.181. At 60 Fed. Reg. 6666 (Feb. 3, 1995), USEPA stated that it interpreted that the point at which ash becomes subject to RCRA Subtitle C regulation is when that material leaves the combustion building (including connected air pollution control equipment).

2) Solid wastes generated by any of the following that are returned to the soil as fertilizers:

- A) The growing and harvesting of agricultural crops, or
 - B) The raising of animals, including animal manures.
- 3) Mining overburden returned to the mine site.
- 4) Fly ash waste, bottom ash waste, slag waste, and flue gas emission control waste generated primarily from the combustion of

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coal or other fossil fuels, except as provided in 35 Ill. Adm. Code 726.212 for facilities that burn or process hazardous waste.

5) Drilling fluids, produced waters, and other wastes associated with the exploration, development, or production of crude oil, natural gas, or geothermal energy.

- 6) Chromium wastes:

A) Wastes that fail the test for the toxicity characteristic (Sections 721.124 and 721.124 Appendix B) because chromium is present or which are listed in Subpart D of this Part due to the presence of chromium, that do not fail the test for the toxicity characteristic for any other constituent or which are not listed due to the presence of any other constituent, and that do not fail the test for any other characteristic, if it is shown by a waste generator or by waste generators that:

- i) The chromium in the waste is exclusively (or nearly exclusively) trivalent chromium;
- ii) The waste is generated from an industrial process that uses trivalent chromium exclusively (or nearly exclusively) and the process does not generate hexavalent chromium; and
- iii) The waste is typically and frequently managed in non-oxidizing environments.

B) Specific wastes that meet the standard in subsection (b)(6)(A) of this Section (so long as they do not fail the test for the toxicity characteristic for any other constituent and do not exhibit any other characteristic) are:

- i) Chrome (blue) trimmings generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, retan/wet finish, no beamhouse, through-the-blue, and shearing;
- ii) Chrome (blue) shavings generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, retan/wet finish, no beamhouse, through-the-blue, and shearing;
- iii) Buffing dust generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, retan/wet finish, no beamhouse, through-the-blue;
- iv) Sewer screenings generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, retan/wet finish, no beamhouse, through-the-blue, and shearing;

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- v) Wastewater treatment sludges generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, retan/wet finish, no beamhouse, through-the-blue, and shearing;
- vi) Wastewater treatment sludges generated by the following subcategories of the leather tanning and finishing industry: hair pulp/chrome tan/retan/wet finish, hair save/chrome tan/retan/wet finish, and through-the-blue;
- vii) Waste scrap leather from the leather tanning industry, the shoe manufacturing industry, and other leather product manufacturing industries; and
- viii) Wastewater treatment sludges from the production of titanium dioxide pigment using chromium-bearing ores by the chloride process.
- 7) Solid waste from the extraction, beneficiation, and processing of ores and minerals (including coal, phosphate rock, and overburden from the mining of uranium ore), except as provided by 35 Ill. Adm. Code 726.212 for facilities that burn or process hazardous waste.
- A) For purposes of this subsection (b)(7), beneficiation of ores and minerals is restricted to the following activities: crushing; grinding; washing; dissolution; crystallization; filtration; sorting; sizing; drying; sintering; pelletizing; briquetting; calcining; to remove water or carbon dioxide; roasting; autoclaving or chlorination in preparation for leaching (except where the roasting (or autoclaving or chlorination) and leaching sequence produces a final or intermediate product that does not undergo further beneficiation or processing); gravity concentration; magnetic separation; electrostatic separation; floatation; ion exchange; solvent extraction; electrowinning; precipitation; amalgamation; and heap, dump, vat tank, and in situ leaching.
- B) For the purposes of this subsection (b)(7), solid waste from the processing of ores and minerals includes only the following wastes as generated:
- Slag from primary copper processing;
 - Slag from primary lead processing;
 - Red and brown muds from bauxite refining;
 - Phosphogypsum from phosphoric acid production;
 - Slag from elemental phosphorus production;
 - Gasifier ash from coal gasification;
 - Process wastewater from coal gasification;
 - Calcium sulfate wastewater treatment plant sludge from primary copper processing;
 - Slag tailings from primary copper processing;
 - Fluorogypsum from hydrofluoric acid production;

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- xi) Process wastewater from hydrofluoric acid production;
- xii) Air pollution control dust or sludge from iron blast furnaces;
- xiii) Iron blast furnace slag;
- xiv) Treated residue from roasting and leaching of chrome ore;
- xv) Process wastewater from primary magnesium processing by the anhydrous process;
- xvi) Process wastewater from phosphoric acid production
- xvii) Basic oxygen furnace and open hearth furnace air pollution control dust or sludge from carbon steel production;
- xviii) Basic oxygen furnace and open hearth furnace slag from carbon steel production;
- xix) Chloride processing waste solids from titanium tetrachloride production; and
- xx) Slag from primary zinc production.
- C) A residue derived from co-processing mineral processing secondary materials with normal beneficiation raw materials or with normal mineral processing raw materials remains excluded under this subsection (b) if the following conditions are fulfilled:
- The owner or operator processes at least 50 percent by weight normal beneficiation raw materials or normal mineral processing raw materials; and
 - The owner or operator legitimately reclaims the secondary mineral processing materials.
- 8) Cement kiln dust waste, except as provided by 35 Ill. Adm. Code 726.212 for facilities that burn or process hazardous waste.
- 9) Solid waste that consists of discarded arsenical-treated wood or wood products that fails the test for the toxicity characteristic for hazardous waste codes D004 through D017 and which is not a hazardous waste for any other reason if the waste is generated by persons that utilize the arsenical-treated wood and wood products for these materials' intended end use.
- 10) Petroleum-contaminated media and debris that fail the test for the toxicity characteristic of Section 721.124 (hazardous waste codes D018 through D043 only) and which are subject to corrective action regulations under 35 Ill. Adm. Code 731.
- 11) This subsection corresponds with 40 CFR 261.4(b)(11), which expired by its own terms on January 25, 1993. This statement maintains structural parity with USEPA regulations.
- 12) Used chlorofluorocarbon refrigerants from totally enclosed heat transfer equipment, including mobile air conditioning systems, mobile refrigeration, and commercial and industrial air conditioning and refrigeration systems that uses chlorofluorocarbons as the heat transfer fluid in a refrigeration cycle, provided the refrigerant is reclaimed for further use.

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13) Non-terme plated used oil filters that are not mixed with wastes listed in Subpart D of this Part, if these oil filters have been gravity hot-drained using one of the following methods:

- Puncturing the filter anti-drain back valve or the filter dome end and hot-draining;
- Hot-draining and crushing;
- Dismantling and hot-draining; or
- Any other equivalent hot-draining method that will remove used oil.

14) Used oil re-refining distillation bottoms that are used as feedstock to manufacture asphalt products.

15) Leachate or gas condensate collected from landfills where certain solid wastes have been disposed of, under certain circumstances.

A) The following conditions must be fulfilled:

- The solid wastes disposed of would meet one or more of the listing descriptions for Hazardous Waste Codes K169, K170, K171, and K172 if these wastes had been generated after the effective date of the listing (January 19, 1999);
- The solid wastes described in subsection (b)(15)(A) of this Section were disposed of prior to the effective date of the listing;
- The leachate or gas condensate does not exhibit any characteristic of hazardous waste nor is derived from any other listed hazardous waste; and

iv) Discharge of the leachate or gas condensate, including leachate or gas condensate transferred from the landfill to a POTW by truck, rail, or dedicated pipe, is subject to regulation under section 307(b) or 402 of the federal Clean Water Act.

B) After February 13, 2001, leachate or gas condensate will no longer be exempt if it is stored or managed in a surface impoundment prior to discharge. There is one exception: if the surface impoundment is used to temporarily store leachate or gas condensate in response to an emergency situation (e.g., shutdown of wastewater treatment system). Provided the impoundment has a double liner, and provided the leachate or gas condensate is removed from the impoundment and continues to be managed in compliance with the conditions of this subsection (b)(15) after the emergency ends.

c) Hazardous wastes that are exempted from certain regulations. A hazardous waste that is generated in a product or raw material storage tank, a product or raw material transport vehicle or vessel, a product or raw material pipeline, or in a manufacturing process unit, or an associated non-waste-treatment manufacturing unit, is not subject to regulation under 35 Ill. Adm. Code 702, 703, and 722 through 725, and 728 or to the notification requirements of section 3010 of RCRA

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until it exits the unit in which it was generated, unless the unit is a surface impoundment, or unless the hazardous waste remains in the unit more than 90 days after the unit ceases to be operated for manufacturing or for storage or transportation of product or raw materials.

d) Samples.

1) Except as provided in subsection (d)(2) of this Section, a sample of solid waste or a sample of water, soil, or air that is collected for the sole purpose of testing to determine its characteristics or composition is not subject to any requirements of this Part or 35 Ill. Adm. Code 702, 703, 705 and 722 through 728. The sample qualifies when:

- The sample is being transported to a laboratory for the purpose of testing;
- The sample is being transported back to the sample collector after testing;
- The sample is being stored by the sample collector before transport to a laboratory for testing;
- The sample is being stored in a laboratory before testing;
- The sample is returned to the sample collector; or testing but before it is being stored temporarily in the laboratory
- The sample is being stored temporarily in the laboratory after testing for a specific purpose (for example, until conclusion of a court case or enforcement action where further testing of the sample may be necessary).

2) In order to qualify for the exemption in subsection (d)(1)(A) or (d)(1)(B) of this Section, a sample collector shipping samples to a laboratory and a laboratory returning samples to a sample collector shall:

- Comply with U.S. Department of Transportation (USDOT), U.S. Postal Service (USPS), or any other applicable shipping requirements; or
- Comply with the following requirements if the sample collector determines that USDOT, USPS, or other shipping requirements do not apply to the shipment of the sample:
 - Assure that the following information accompanies the sample: The sample collector's name, mailing address, and telephone number; the laboratory's name, mailing address, and telephone number; the quantity of the sample; the date of the shipment; and a description of the sample.
 - Package the sample so that it does not leak, spill, or vaporize from its packaging.
- This exemption does not apply if the laboratory determines that the waste is hazardous but the laboratory is no longer meeting any of the conditions stated in subsection (d)(1) of this Section.
- Treatability study samples.

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- 1) Except as is provided in subsection (e)(2) of this Section, a person that generates or collects samples for the purpose of conducting treatability studies, as defined in 35 Ill. Adm. Code 720.110, are not subject to any requirement of 35 Ill. Adm. Code 721 through 723 or to the notification requirements of section 301.0 of the Resource Conservation and Recovery Act. Nor are such samples included in the quantity determinations of Section 721.105 and 35 Ill. Adm. Code 722.134(d) when:
 - A) The sample is being collected and prepared for transportation by the generator or sample collector;
 - B) The sample is being accumulated or stored by the generator or sample collector prior to transportation to a laboratory or testing facility; or
 - C) The sample is being transported to the laboratory or testing facility for the purpose of conducting a treatability study.
- 2) The exemption in subsection (e)(1) of this Section is applicable to samples of hazardous waste being collected and shipped for the purpose of conducting treatability studies provided that:
 - A) The generator or sample collector uses (in "treatability studies") no more than 10,000 kg of media contaminated with non-acute hazardous waste, 1000 kg of non-acute hazardous waste other than contaminated media, 1 kg of acute hazardous waste, or 2500 kg of media contaminated with acute hazardous waste for each process being evaluated for each generated wastestream;
 - B) The mass of each shipment does not exceed 10,000 kg; the 10,000 kg quantity may be all media contaminated with non-acute hazardous waste, or may include 2500 kg of media contaminated with acute hazardous waste, 1000 kg of hazardous waste, and 1 kg of acute hazardous waste;
 - C) The sample must be packaged so that it does not leak, spill, or vaporize from its packaging during shipment and the requirements of subsections (e)(2)(C)(i) or (e)(2)(C)(ii) of this Section are met.
- 3) The transportation of each sample shipment complies with U.S. Department of Transportation (USDOT), U.S. Postal Service (USPS), or any other applicable shipping requirements; or
 - ii) If the USDOT, USPS, or other shipping requirements do not apply to the shipment of the sample, the following information must accompany the sample: The name, mailing address, and telephone number of the originator of the sample; the name, address, and telephone number of the facility that will perform the treatability study; the quantity of the sample; the date of the shipment; and, a description of the sample, including its USEPA hazardous waste number;
 - D) The sample is shipped to a laboratory or testing facility

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- that is exempt under subsection (f) of this Section, or has an appropriate RCRA permit or interim status;
- E) The generator or sample collector maintains the following records for a period ending three years after completion of the treatability study:
 - i) Copies of the shipping documents;
 - ii) A copy of the contract with the facility conducting the treatability study;
 - iii) Documentation showing: The amount of waste shipped under this exemption; the name, address, and USEPA identification number of the laboratory or testing facility that received the waste; the date the shipment was made; and whether or not unused samples and residues were returned to the generator; and
- F) The generator reports the information required in subsection (e)(2)(B)(iii) of this Section in its report under 35 Ill. Adm. Code 722.141.
- 3) The Agency may grant requests on a case-by-case basis for up to an additional two years for treatability studies involving bioremediation. The Agency may grant requests, on a case-by-case basis, for quantity limits in excess of those specified in subsections (e)(2)(A), (e)(2)(B), and (f)(4) of this Section, for up to an additional 5000 kg of media contaminated with non-acute hazardous waste, 500 kg of non-acute hazardous waste, 2500 kg of media contaminated with acute hazardous waste, and 1 kg of acute hazardous waste:
- A) In response to requests for authorization to ship, store, and conduct further treatability studies on additional quantities in advance of commencing treatability studies. Factors to be considered in reviewing such requests include the nature of the technology, the type of process (e.g., batch versus continuous), the size of the unit undergoing testing (particularly in relation to scale-up considerations), the time or quantity of material required to reach steady-state operating conditions, or test design considerations, such as mass balance calculations.
- B) In response to requests for authorization to ship, store, and conduct treatability studies on additional quantities after initiation or completion of initial treatability studies when: There has been an equipment or mechanical failure during the conduct of the treatability study, there is need to verify the results of a previously-conducted treatability study, there is a need to study and analyze alternative techniques within a previously-evaluated treatment process, or there is a need to do further evaluation of an ongoing treatability study to determine final specifications for treatment.
- C) The additional quantities allowed and timeframes allowed in

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subsections (e)(3)(A) and (e)(3)(B) of this Section are subject to all the provisions in subsections (e)(1) and (e)(2)(B) through (e)(2)(F) of this Section. The generator or sample collector shall apply to the Agency and provide in writing the following information:

- i) The reason why the generator or sample collector requires additional time or quantity of sample for the treatability study evaluation and the additional time or quantity needed;
- ii) Documentation accounting for all samples of hazardous waste from the wastestream that have been sent for or undergone treatability studies, including the date each previous sample from the waste stream was shipped, the quantity of each previous shipment, the laboratory or testing facility to which it was shipped, what treatability study processes were conducted on each sample shipped, and the available results of each treatability study;
- iii) A description of the technical modifications or change in specifications that will be evaluated and the expected results;
- iv) If such further study is being required due to equipment or mechanical failure, the applicant shall include information regarding the reason for the failure or breakdown and also include what procedures or equipment improvements have been made to protect against further breakdowns; and
- v) Such other information as the Agency determines is necessary.

- 4) Final Agency determinations pursuant to this subsection (e) may be appealed to the Board.

f) Samples undergoing treatability studies at laboratories or testing facilities. Samples undergoing treatability studies and the laboratory or testing facility conducting such treatability studies (to the extent such facilities are not otherwise subject to RCRA requirements) are not subject to any requirement of this Part, or of 35 Ill. Adm. Code 702, 703, 705, 722 through 726, and 728 or to the notification requirements of Section 3010 of the Resource Conservation and Recovery Act, provided that the requirements of subsections (f)(1) through (f)(11) of this Section are met. A mobile treatment unit may qualify as a testing facility subject to subsections (f)(1) through (f)(11) of this Section. Where a group of mobile treatment units are located at the same site, the limitations specified in subsections (f)(1) through (f)(11) of this Section apply to the entire group of mobile treatment units collectively as if the group were one mobile treatment unit.

- 1) No less than 45 days before conducting treatability studies, the facility notifies the Agency in writing that it intends to

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conduct treatability studies under this subsection (f). The laboratory or testing facility conducting the treatability study has a USEPA identification number.

- 3) No more than a total of 10,000 kg of "as received" media contaminated with non-acute hazardous waste, 2500 kg of media contaminated with acute hazardous waste, or 250 kg of other "as received" hazardous waste is subject to initiation of treatment in all treatability studies in any single day. "As received" waste refers to the waste as received in the shipment from the generator or sample collector.
- 4) The quantity of "as received" hazardous waste stored at the facility for the purpose of evaluation in treatability studies does not exceed 10,000 kg, the total of which can include 10,000 kg of media contaminated with non-acute hazardous waste, 2500 kg of media contaminated with acute hazardous waste, 1000 kg of non-acute hazardous wastes other than contaminated media, and 1 kg of acute hazardous waste. This quantity limitation does not include treatment materials (including non-hazardous nonhazardous solid waste) added to "as received" hazardous waste.
- 5) No more than 90 days have elapsed since the treatability study for the sample was completed, or no more than one year (two years for treatability studies involving bioremediation) has elapsed since the generator or sample collector shipped the sample to the laboratory or testing facility, whichever date first occurs. Up to 500 kg of treated material from a particular waste stream from treatability studies may be archived for future evaluation up to five years from the date of initial receipt. Quantities of materials archived are counted against the total storage limit for the facility.
- 6) The treatability study does not involve the placement of hazardous waste on the land or open burning of hazardous waste.
- 7) The facility maintains records three years following completion of each study that show compliance with the treatment rate limits and the storage time and quantity limits. The following specific information must be included for each treatability study conducted:
 - A) The name, address, and USEPA identification number of the generator or sample collector of each waste sample;
 - B) The date the shipment was received;
 - C) The quantity of waste accepted;
 - D) The quantity of "as received" waste in storage each day;
 - E) The date the treatment study was initiated and the amount of "as received" waste introduced to treatment each day;
 - F) The date the treatability study was concluded;
 - G) The date any unused sample or residues generated from the treatability study were returned to the generator or sample collector or, if sent to a designated facility, the name of the facility and the USEPA identification number.

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- 8) The facility keeps, on-site, a copy of the treatability study contract and all shipping papers associated with the transport of treatability study samples to and from the facility for a period ending three years from the completion date of each treatability study.
- 9) The facility prepares and submits a report to the Agency by March 15 of each year that estimates the number of studies and the amount of waste expected to be used in treatability studies during the current year, and includes the following information for the previous calendar year:
- A) The name, address, and USEPA identification number of the facility conducting the treatability studies;
 - B) The types (by process) of treatability studies conducted;
 - C) The names and addresses of persons for whom studies have been conducted (including their USEPA identification numbers);
 - D) The total quantity of waste in storage each day;
 - E) The quantity and types of waste subjected to treatability studies;
 - F) When each treatability study was conducted; and
 - G) The final disposition of residues and unused sample from each treatability study.
- 10) The facility determines whether any unused sample or residues generated by the treatability study are hazardous waste under Section 721.103 and, if so, are subject to 35 Ill. Adm. Code 702, 703, and 721 through 728, unless the residues and unused samples are returned to the sample originator under the exemption of subsection (e) of this Section.
- 11) The facility notifies the Agency by letter when the facility is no longer planning to conduct any treatability studies at the site.
- g) Dredged material that is not a hazardous waste. Dredged material that is subject to the requirements of a permit that has been issued under section 404 of the Federal Water Pollution Control Act (33 USC 1344) is not a hazardous waste. For the purposes of this subsection g, the following definitions apply:

"Dredged material" has the same meaning as in 40 CFR 232.2, incorporated by reference in 35 Ill. Adm. Code 720.111.

"Permit" means any of the following:

A permit issued by the U.S. Army Corps of Engineers (Army Corps) under section 404 of the Federal Water Pollution Control Act (33 USC 1344);

A permit issued by the Army Corps under section 103 of the Marine Protection, Research, and Sanctuaries Act of 1972 (33

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USC 1413); or

In the case of Army Corps civil works projects, the administrative equivalent of the permits referred to in the preceding two paragraphs of this definition, as provided for in Army Corps regulations (for example, see 33 CFR 336.1, 336.2, and 337.6).

(Source: Amended at 23 Ill. Reg. 9135, effective 11/11/26/99.)

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Section 721.APPENDIX Z Table to Section 721.102

Table	1	2	3	4
			Reclamation (except as provided in Section 261.4 for energy recovery or use to processing secondary materials)	
Use constituting disposal		Burning for energy recovery or use to processing fuel	mineral	Speculative accumulation
Applicable Subsection of Section 721.102:	(c)(1)	(c)(2)	(c)(3)	(c)(4)
Spent materials	Yes	Yes	Yes	Yes
Sludges (listed in Section 721.131 or 721.132)	Yes	Yes	Yes	Yes
Sludges exhibiting a characteristic of hazardous waste	Yes	Yes	--	Yes
By-products (listed in Section 721.131 or 721.132)	Yes	Yes	Yes	Yes
By-products exhibiting a characteristic of hazardous waste	Yes	Yes	--	Yes
Commercial chemical products listed in Section 721.133	Yes	Yes	--	--
Scrap metal other than excluded scrap metal (see Section 721.101(c)(9))	Yes	Yes	Yes	Yes

Yes - Defined as a solid waste

No - Not defined as a solid waste

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BOARD NOTE: Derived from Table 1 to 40 CFR 261.2 (1997), as amended at 63 Fed. Reg. 28636 (May 26, 1998). The terms "spent materials", "sludges", "by products", "scrap metal", and "processed scrap metal" are defined in Section 721.101.

(Source: Amended at 23 Ill. Reg. 9135, effective JUL 26 1999)

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- 1) Heading of the Part: Interim Status Standards For Owners and Operators of Hazardous Waste Treatment, Storage, and Disposal Facilities
- 2) Code citation: 35 Ill. Adm. Code 725
- 3) Section Numbers:
 725.101 Amended
 725.190 Amended
 725.210 Amended
 725.212 Amended
 725.218 Amended
 725.221 Added
 725.240 Amended
Proposed Action:
 Amended
 Amended
 Amended
 Amended
 Added
 Amended
- 4) Statutory authority: 415 ILCS 5/7.2, 22.4 and 27.
- 5) Effective date of amendments: July 26, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No. Although the existing text of Part 725 includes incorporations by reference, the present amendments do not affect those incorporations.
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of proposal published in Illinois Register: April 23, 1999, 23 Ill. Reg. 4762
- 10) Has JCAR issued a Statement of Objections to these amendments? No. Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.
- 11) Differences between proposal and final version:

Section Revised	Source(s) of Revision(s)	Revision(s)
725. table of contents	Board	Removed amendments to Section 725.328 heading; added "in R99-15"

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- | | | |
|-------------------|---------------|--|
| 725.101(b) | JCAR | Changed "U.S.C." to "USC" |
| 725.101(c)(1) | JCAR | Changed "U.S.C." to "USC" (twice) |
| 725.101(c)(6) | JCAR | Changed to singular "35 Ill. Adm. Code 726.Subpart C, F, G, or H" |
| 725.101(c)(11)(D) | Agency | Deleted proposed added "adequately" |
| 725.101(f)(2) | Agency | Deleted "adequately" |
| 725.101(g) | Agency | Corrected "apply a person" to "apply to a person" |
| 725.190(d)(1) | JCAR | Changed ending punctuation to a semicolon |
| 725.190(f) | Board | Changed "the Board will . . . other enforceable document alternative requirements" to "A permit or enforceable document can contain . . ." |
| 725.210(b)(2) | JCAR | Changed to singular "Section" |
| 725.210(c) | JCAR | Changed "alternative requirements" to "in an enforceable document" as in the federal original |
| 725.210(d) | Agency, Board | Changed "The Board will . . . alternative requirements that" to "A permit or enforceable document can contain . . ." |
| 725.210(d)(1) | JCAR | Changed ending punctuation to a semicolon |
| 725.210(d)(2) | Agency | Deleted "adequately" |

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725.212(b)(5)	Board	Corrected "run-on" to "run-on;" corrected "run-off" to "runoff"	
725.212(b)(7)	JCAR	Changed to singular "Section"	
725.212(b)(8)	Board, Agency	Changed "The Board . . . alternative requirements" to "alternative requirements;" changed "Board order or Agency permit establishing" to "enforceable document containing" as in the federal original	
725.212(c)(1)(D)	JCAR	Changed to singular "Section;" Changed "Board or Agency to establish" to "establishment of"	
725.212(c)(4)	JCAR	Changed "of" to "after"	
725.218(c)(1)	JCAR	Changed ending punctuation to a period	
725.218(c)(5)	Board, Agency, JCAR	Changed "the Board . . . alternative requirements" to "alternative requirements;" changed "Board order or Agency permit establishing" to "enforceable document containing" as in the federal original; changed ending punctuation to a period	
725.218(d)(1)(B)	JCAR	Changed ending punctuation to a semicolon; added ending conjunction "and"	
725.218(d)(1)(C)	JCAR	Changed to singular "Section;" changed "Board or Agency to establish" to	

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725.218(d)(3)	JCAR	"establishment of" Changed to singular "Section"	
725.218(g)(1)(A)(ii)	JCAR	Removed unnecessary period before parenthetical	
725.218(g)(2)(A)	JCAR	Changed "of" to "after"	
725.221(a)	JCAR, Board	Changed "for which the Board or Agency has established alternative requirements;" to "but which obtain an enforceable document in lieu of a post-closure permit" as in the federal original	
725.221(b)(1)	Board, Agency	Changed "which" to "that;" changed "as such are provided" to "as provided"	
725.221(b)(1)(A)	JCAR, Agency, Board	Added "in an enforceable document in lieu of a permit;" changed "which" to "that;" changed "as such are provided" to "as provided"	
725.221(b)(1)(A)(i)	JCAR	Changed to plural "Sections;" changed ampersand to conjunction "and"	
725.221(b)(1)(A)(iii)	JCAR	Changed 35-38 to "35 through 38"	
725.221(b)(1)(A)(iv)	Board	Deleted "cease and desist;" changed statutory citation from "Section 33(c)" to "Section 33(a)"	
725.221(b)(1)(B)	Board, Agency	Changed "35 Ill. Adm. Code 740 or 742" to "an appropriate statutory or regulatory authority;" added "as follows" and	

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725.221(b)(1)(B)(i)	ending colon	Added federal text previously deleted, with minor modifications	Agency, Board
725.221(b)(1)(B)(ii)		Added federal text previously deleted, with minor modifications	Agency, Board
725.221(b)(1)(B)(iii)		Added federal text previously deleted	Agency, Board
725.221(b)(1)(C)		Added federal text previously deleted, with minor modifications	Agency, Board
725.221(b)(2)		Moved text from subsection (b)(1)(B)(i); changed citation to subsection (b)(2) to (b)(1)(B); removed unnecessary comma	Agency, Board
725.221(b)(3)		Moved text from subsection (b)(1)(B)(ii); corrected reference to "subsection (b)(1)(B)"	Agency, Board
725.240(b)		Changed to plural "Sections;" added "any of the following"	JCAR, Board
725.240(b)(1)		Deleted ending conjunction "or."	Board
725.240(b)(3)		Added the word "Section" to correct cross-reference format	JCAR
725.240(d)		Changed "the Board will . . . other enforceable document requirements" to "A permit or enforceable document can contain . . .;" added "or Agency"	Board, Agency

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725.240(d)(1)	Board, Agency	Added "or Agency"
725.240(d)(2)	Board, Agency	Added "or Agency;" removed "adequately"

12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR? Section 22.4(a) of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

13) Will these amendments replace emergency amendments currently in effect? No

14) Are there any other amendments pending on this Part? No

15) Summary and purpose of amendments: A more detailed description is contained in the Board's opinion and order of June 17, 1999 in docket R99-15, which opinion and order is available from the address below. Section 22.4 of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

This proceeding updates the Illinois RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by the United States Environmental Protection Agency (USEPA) that appeared in the Federal Register during a single update period. The docket and time period that is involved in this proceeding is the following:

R99-15 Federal RCRA Subtitle C amendments that occurred during the period July 1, 1998, through December 31, 1998.

The R99-15 docket amends rules in Parts 703, 720, 721, 724, 725, 726, 728, and 733. Prior to discussing the specific changes made to this Part, the Board will describe the docket as a whole, since amendments to various Parts may be inter-related. The following table briefly summarizes the federal actions in the update period:

63 Fed. Reg. 37780 (July 14, 1998)	USEPA withdrew segments of a May 6, 1998 direct final rule that drew adverse comment.
63 Fed. Reg. 42109 (August 6, 1998)	USEPA adopted new waste listings and land disposal restrictions (LDRs) for petroleum wastes, including certain exclusions from

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regulation as hazardous waste.

63 Fed. Reg. 42580 (August 10, 1998)
USEPA adopted corrections to the May 4, 1998, organobromine production waste rules; the May 26, 1998, Phase IV LDRs; and the June 29, 1998, organobromine waste technical amendments.

63 Fed. Reg. 46331 (August 31, 1998)
USEPA adopted technical amendments to the May 4, 1998, organobromine waste rules.

63 Fed. Reg. 47409 (September 4, 1998)
USEPA changed the effective dates and adopted emergency amendments to the LDRs applicable to several carbamate wastes and waste constituents.

63 Fed. Reg. 48124 (September 9, 1998)
USEPA issued an extension of the Phase IV LDR compliance deadline, until November 26, 1998, for certain limited metal-bearing wastes.

63 Fed. Reg. 51253 (September 24, 1998)
USEPA adopted LDR treatment standards applicable to spent potliners from primary aluminum production.

63 Fed. Reg. 54356 (October 9, 1998)
USEPA changed the compliance deadline of the August 6, 1998 petroleum waste rules until December 8, 1998.

63 Fed. Reg. 56709 (October 22, 1998)
USEPA amended the treatment, storage, and disposal facility standards to allow states to use mechanisms other than permits to approve facility post-closure care plans and to allow the closure of certain units through the corrective action program.

63 Fed. Reg. 64371 (November 19, 1998)
USEPA issued a final decision not to list 14 waste solvents as hazardous waste.

63 Fed. Reg. 65873 (November 30, 1998)
USEPA adopted new remedial action plan (RAP) requirements applicable to the treatment, storage, or disposal of hazardous remediation wastes during cleanup actions.

63 Fed. Reg. 71225 (December 24, 1998)
USEPA adopted corrective and clarifying amendments to the May 11, 1995 (60 Fed. Reg. 25492) universal waste rule. The amendments correct aspects of the standards for spent lead-acid battery management and the

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definition of small quantity universal waste handler, and they clarify the export requirements for destination facilities that are universal waste handlers.

The Board has already taken or does not need to take action based on five sets of these federal RCRA Subtitle C amendments. The Board dealt with the federal action of July 14, August 10 and 31, September 9, and October 9, 1998, in the prior consolidated R98-21/R99-2/R99-7 RCRA Subtitle C and underground injection control (UIC) update docket, adopted on December 17, 1998, and filed with the Secretary of State on January 19, 1999. (The Board made all but one of the federal amendments of August 6, 1998, in the consolidated R98-21/R99-2/R99-7 update docket, but must complete the one minor amendment in this rulemaking.) The Board will not amend the Illinois regulations in response to the federal action of November 19, 1998, where the USEPA determination not to list the wastes as hazardous did not result in an amendment of the federal regulations.

In addition to the federal actions that fall within the timeframes of this docket, the Board is including additional federal actions that occurred later. These additional actions directly impact one or more of the actions that USEPA took within the timeframes that are involved.

USEPA adopted amendments to the exclusions from the definition of hazardous waste that have the effect of deferring regulation of certain materials as hazardous waste until February 13, 2001. The wastes affected are landfill leachate and landfill gas condensate derived from previously-disposed petroleum refining wastes (USEPA hazardous waste codes K169 through K172, originally listed on August 6, 1998 (63 Fed. Reg. 42110), effective February 6, 1999, and adopted by the Board on December 17, 1998, in consolidated update docket R98-21/R99-2/R99-7, effective January 19, 1999).

The Board examined three federal actions that amended the Clean Water Act analytical methods, which are incorporated by reference in 35 Ill. Adm. Code 720.111. The Board updates the incorporation by reference.

USEPA published a correction to 40 C.F.R. 136.3(e) table, as published on July 1, 1997.

USEPA published a correction to 40 C.F.R. 136.3(e) table, as published on July 1, 1997.

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63 Fed. Reg. 50387 (September 21, 1998)
USEPA adopted effluent discharge and wastewater pretreatment standards for the pharmaceutical manufacturing industry sector.

The Board dealt with the federal actions of July 20 and August 18, 1998, in the prior consolidated R98-21/R99-2/R99-7 RCRA Subtitle C and underground injection control (UIC) update docket, adopted on December 17, 1998, and filed with the Secretary of State on January 19, 1999. Thus, the Board is acting in this R99-15 docket on the following USEPA amendments:

63 Fed. Reg. 42109 (August 6, 1998)
USEPA adopted new waste listings and land disposal restrictions (LDRs) for petroleum wastes, including certain exclusions from regulation as hazardous waste.

63 Fed. Reg. 47409 (September 4, 1998)
USEPA changed the effective dates and adopted emergency amendments to the LDRs applicable to several carbamate wastes and waste constituents.

63 Fed. Reg. 50387 (September 21, 1998)
USEPA adopted effluent discharge and wastewater pretreatment standards for the pharmaceutical manufacturing industry sector.

63 Fed. Reg. 51253 (September 24, 1998)
USEPA adopted LDR treatment standards applicable to spent potliners from primary aluminum production.

63 Fed. Reg. 56709 (October 22, 1998)
USEPA amended the treatment, storage, and disposal facility standards to allow states to use mechanisms other than permits to approve facility post-closure care plans and to allow the closure of certain units through the corrective action program.

63 Fed. Reg. 65873 (November 30, 1998)
USEPA adopted new remedial action plan (RAP) requirements applicable to the treatment, storage, or disposal of hazardous remediation wastes during cleanup actions.

63 Fed. Reg. 71225 (December 24, 1998)
USEPA adopted corrective and clarifying amendments to the May 11, 1995 (60 Fed. Reg. 25492) universal waste rule. The amendments correct aspects of the standards for spent lead-acid battery management and the definition of small quantity universal waste handler, and they clarify the export

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requirements for destination facilities that are universal waste handlers.

USEPA adopted amendments to the exclusions from the definition of hazardous waste that have the effect of deferring regulation of certain materials as hazardous waste until February 13, 2001. The wastes affected are landfill leachate and landfill gas condensate derived from previously-disposed petroleum refining wastes (USEPA hazardous waste codes K169 through K172, originally listed on August 6, 1998 (63 Fed. Reg. 42110), effective February 6, 1999, and adopted by the Board on December 17, 1998, in consolidated update docket R98-21/R99-2/R99-7, effective January 19, 1999).

Specifically, the amendments to Part 725 implement segments of the federal October 22, 1998 amendments allowing the use of alternative mechanisms to approve facility post-closure care plans and to allow the closure of certain units through the corrective action program and the November 30, 1998 hazardous waste remediation waste amendments.

Section 22.4 of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

16) Information and questions regarding these adopted amendments shall be directed to:

Michael J. McCambridge
Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601
312-814-6924

Request copies of the Board's opinion and order of June 17, 1999 in docket R99-15 from Patricia Jones, at 312-814-3620.

The full text of the adopted amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER 1: POLLUTION CONTROL BOARD

SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 725

INTERIM STATUS STANDARDS FOR OWNERS AND
OPERATORS OF HAZARDOUS WASTE TREATMENT,
STORAGE, AND DISPOSAL FACILITIES

SUBPART A: GENERAL PROVISIONS

Section
725.101 Purpose, Scope and Applicability
725.104 Imminent Hazard Action

SUBPART B: GENERAL FACILITY STANDARDS

Section
725.110 Applicability
725.111 USEPA Identification Number
725.112 Required Notices
725.113 General Waste Analysis
725.114 Security
725.115 General Inspection Requirements
725.116 Personnel Training
725.117 General Requirements for Ignitable, Reactive, or Incompatible Wastes
725.118 Location Standards
725.119 Construction Quality Assurance Program

SUBPART C: PREPAREDNESS AND PREVENTION

Section
725.130 Applicability
725.131 Maintenance and Operation of Facility
725.132 Required Equipment
725.133 Testing and Maintenance of Equipment
725.134 Access to Communications or Alarm System
725.135 Required Aisle Space
725.137 Arrangements with Local Authorities

SUBPART D: CONTINGENCY PLAN AND EMERGENCY PROCEDURES

Section
725.150 Applicability
725.151 Purpose and Implementation of Contingency Plan
725.152 Content of Contingency Plan
725.153 Copies of Contingency Plan

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725.154 Amendment of Contingency Plan
725.155 Emergency Coordinator
725.156 Emergency Procedures

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AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/22.4 and 27].

SOURCE: Adopted in R81-22, 43 PCB 427, at 5 Ill. Reg. 9781, effective May 17, 1982; amended and codified in R81-22, 45 PCB 317, at 6 Ill. Reg. 4828, effective May 17, 1982; amended in R82-18, 51 PCB 831, at 7 Ill. Reg. 2518, effective February 22, 1983; amended in R82-19, 53 PCB 131, at 7 Ill. Reg. 14034, effective October 12, 1983; amended in R84-9, at 9 Ill. Reg. 11869, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1085, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14069, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 13489, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19338, effective November 10, 1987; amended in R87-39 at 12 Ill. Reg. 13027, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 437, effective December 28, 1988; amended in R88-16 at 13 Ill. Reg. 18354, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14447, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16498, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9398, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14534, effective October 1, 1991; amended in R91-13 at 16 Ill. Reg. 9578, effective June 9, 1992; amended in R92-1 at 17 Ill. Reg. 17672, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5681, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20620, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6771, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12190, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17548, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9566, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11078,

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effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 369, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7620, effective April 15, 1998; amended in R97-21/R98-5 at 22 Ill. Reg. 17620, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 1850, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9168, effective ~~July 26, 1999~~ ~~July 26, 1999~~.

NOTE: In this Part, unless the context clearly indicates otherwise, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets; and SUM means the summation series or sigma function as used in mathematics.

SUBPART A: GENERAL PROVISIONS

Section 725.101 Purpose, Scope and Applicability

- a) The purpose of this Part is to establish minimum standards that define the acceptable management of hazardous waste during the period of interim status and until certification of final closure or, if the facility is subject to post-closure care requirements, until post-closure care responsibilities are fulfilled.
 - b) Except as provided in Section 725.980(b), the standards in this Part and 35 Ill. Adm. Code 724.652 through 724.654 and 724.659 through 724.654 apply to owners and operators of facilities that treat, store, or dispose of hazardous waste that have fully complied with the requirements for interim status under Section 3005(e) of the Resource Conservation and Recovery Act (RCRA) (42 USC 6956-6901 et seq.) and 35 Ill. Adm. Code 703, until either a permit is issued under Section 3005 of the Resource Conservation and Recovery Act or Section 21(f) of the Environmental Protection Act, or until applicable closure and post-closure care responsibilities under this Part are fulfilled, and to those owners and operators of facilities in existence on November 19, 1980, that have failed to provide timely notification as required by Section 3010(a) of RCRA or that have failed to file Part A of the Permit Application, as required by 40 CFR 270.10(e) and (g) or 35 Ill. Adm. Code 703.150 and 703.152. These standards apply to all treatment, storage, or disposal of hazardous waste at these facilities after November 19, 1980, except as specifically provided otherwise in this Part or 35 Ill. Adm. Code 721.
- BOARD NOTE: As stated in Section 3005(a) of RCRA, after the effective date of regulations under that Section (i.e., 40 CFR 270 and 124) the treatment, storage, or disposal of hazardous waste is prohibited except in accordance with a permit. Section 3005(e) of RCRA provides for the continued operation of an existing facility that meets certain conditions until final administrative disposition of the owner's and operator's permit application is made. 35 Ill. Adm. Code 703.140 et seq. provide that a permit is deemed issued under Section 21(f)(1) of the Environmental Protection Act under conditions similar to federal

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interim status.

c) The requirements of this Part do not apply to:

- 1) A person disposing of hazardous waste by means of ocean disposal subject to a permit issued under the Marine Protection, Research and Sanctuaries Act (16 USC 1431-1434; 33 USC 1601-1606; 1601);

BOARD NOTE: This Part applies to the treatment or storage of hazardous waste before it is loaded into an ocean vessel for incineration or disposal at sea, as provided in subsection (b) of this Section.

- 2) This subsection corresponds with 40 CFR 265.1(c)(2), marked "reserved" by USEPA. This statement maintains structural consistency with USEPA rules;

- 3) The owner or operator of a POTW (publicly owned treatment works) that treats, stores, or disposes of hazardous waste; BOARD NOTE: The owner or operator of a facility under subsections (c)(1) and (c)(3) is subject to the requirements of 35 Ill. Adm. Code 724 to the extent they are included in a permit by rule granted to such a person under 35 Ill. Adm. Code 702 and 703 or are required by 35 Ill. Adm. Code 704. Subpart F.

- 4) This subsection corresponds with 40 CFR 265.1(c)(4), which pertains exclusively to the applicability of the federal regulations in authorized states. There is no need for a parallel provision in the Illinois regulations. This statement maintains structural consistency with USEPA rules;

- 5) The owner or operator of a facility permitted, licensed, or registered by Illinois to manage municipal or industrial solid waste, if the only hazardous waste the facility treats, stores, or disposes of is excluded from regulation under this Part by 35 Ill. Adm. Code 721.105;

- 6) The owner or operator of a facility managing recyclable materials described in 35 Ill. Adm. Code 721.106(a)(2) through (a)(4), except to the extent that requirements of this Part are referred to in 35 Ill. Adm. Code 726. Subpart C, F, G, or H or 35 Ill. Adm. Code 739;

- 7) A generator accumulating waste on-site in compliance with 35 Ill. Adm. Code 722.134, except to the extent the requirements are included in 35 Ill. Adm. Code 722.134;

- 8) A farmer disposing of waste pesticides from the farmer's own use in compliance with 35 Ill. Adm. Code 722.170;

- 9) The owner or operator of a totally enclosed treatment facility, as defined in 35 Ill. Adm. Code 720.110;

- 10) The owner or operator of an elementary neutralization unit or a waste water treatment unit as defined in 35 Ill. Adm. Code 720.110, provided that if the owner or operator is diluting hazardous ignitable (D001) wastes (other than the D001 High VOC Subcategory defined in 35 Ill. Adm. Code 728 Table T or reactive (D003) waste in order to remove the characteristic before land

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disposal, the owner or operator shall ~~must~~ comply with the requirements set out in Section 725.117(b);

- 11) Immediate response: A) Except as provided in subsection (c)(11)(B) of this Section, a person engaged in treatment or containment activities during immediate response to any of the following situations:

- i) A discharge of a hazardous waste;
- ii) An imminent and substantial threat of a discharge of a hazardous waste;
- iii) A discharge of a material that becomes a hazardous waste when discharged; or
- iv) An immediate threat to human health, public safety, property, or the environment from the known or suspected presence of military munitions, other explosives material, or an explosive device, as determined by an explosive or munitions emergency response specialist as defined in 35 Ill. Adm. Code 720.110.

- B) An owner or operator of a facility otherwise regulated by this Part shall ~~must~~ comply with all applicable requirements of 725-Subparts C and D.

- C) Any person that is covered by subsection (c)(11)(A) of this Section that continues or initiates hazardous waste treatment or containment activities after the immediate response is over is subject to all applicable requirements of this Part and 35 Ill. Adm. Code 702, 703, and 705 for those activities;

- D) In the case of an explosives or munitions emergency response, if a federal, state, or local official acting within the scope of his or her official responsibilities or an explosives or munitions emergency response specialist determines that immediate removal of the material or waste is necessary to protect human health or the environment, that official or specialist may authorize the removal of the material or waste by transporters that who do not have USEPA identification numbers and without the preparation of a manifest. In the case of emergencies involving military munitions, the responding military emergency response specialist's organizational unit shall retain records for three years identifying the dates of response, the responsible persons responding, the type and description of material addressed, and its disposition;

- 12) A transporter storing manifested shipments of hazardous waste in containers meeting the requirements of 35 Ill. Adm. Code 722.130 at a transfer facility for a period of ten days or less;

- 13) The addition of absorbent material to waste in a container (as defined in 35 Ill. Adm. Code 720.110) or the addition of waste to

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the absorbent material in a container, provided that these actions occur at the time that the waste is first placed in the containers and Sections 725.117(b), and 725.271, and 725.272 are complied with;

- 14) A universal waste handler or universal waste transporter (as defined in 35 Ill. Adm. Code 720.110) that handles any of the wastes listed below is subject to regulation under 35 Ill. Adm. Code 733 when handling the following universal wastes:
 - A) Batteries, as described in 35 Ill. Adm. Code 733.102;
 - B) Pesticides, as described in 35 Ill. Adm. Code 733.103;
 - C) Thermostats, as described in 35 Ill. Adm. Code 733.104;
 - D) Mercury-containing lamps, as described in 35 Ill. Adm. Code 733.107.

BOARD NOTE: Subsection (c)(14)(D) of this Section was added pursuant to Section 22.23a of the Act [415 ILCS 5/22.23a] (see P.A. 90-502, effective August 19, 1997).

- d) The following hazardous wastes must not be managed at facilities subject to regulation under this Part: hazardous waste numbers F020, F021, F022, F023, F026, or F027 unless:
 - 1) The waste water treatment sludge is generated in a surface impoundment as part of the plant's waste water treatment system;
 - 2) The waste is stored in tanks or containers;
 - 3) The waste is stored or treated in waste piles that meet the requirements of 35 Ill. Adm. Code 724.350(c) and all other applicable requirements of 725.Subpart L;
 - 4) The waste is burned in incinerators that are certified pursuant to the standards and procedures in Section 725.452; or
 - 5) The waste is burned in facilities that thermally treat the waste in a device other than an incinerator and that are certified pursuant to the standards and procedures in Section 725.483.

e) This Part applies to owners and operators of facilities that treat, store, or dispose of hazardous wastes referred to in 35 Ill. Adm. Code 728, and the 35 Ill. Adm. Code 728 standards are considered material conditions or requirements of the interim status standards of this Part.

- f) 35 Ill. Adm. Code 726-505 identifies when the requirements of this Part apply to the storage of military munitions classified as solid waste under 35 Ill. Adm. Code 726.302. The treatment and disposal of hazardous waste military munitions are subject to the applicable permitting, procedural, and technical standards in 35 Ill. Adm. Code 702, 703, 705, 720 through 726, and 728.

- g) Other bodies of regulations may apply to a person, facility, or activity, such as 35 Ill. Adm. Code 809 (special waste hauling), 35 Ill. Adm. Code 807 or 810 through 817 (solid waste landfills), 35 Ill. Adm. Code 848 or 849 (used and scrap tires), or 35 Ill. Adm. Code 1420 through 1442 (potentially infectious medical waste), depending on the provisions of those other regulations.

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(Source: Amended at 23 Ill. Reg. 9188 effective Jul 26 1998)

SUBPART F: GROUNDWATER MONITORING

Section 725.190 Applicability

- a) The owner or operator of a surface impoundment, landfill or land treatment facility which is used to manage hazardous waste shall must implement a groundwater monitoring program capable of determining the facility's impact on the quality of groundwater in the uppermost aquifer underlying the facility, except as Section 725.101 and paragraph (c) provide otherwise.
- b) Except as paragraphs (c) and (d) provide otherwise, the owner or operator shall must install, operate, and maintain a groundwater monitoring system which meets the requirements of Section 725.191 and shall must comply with Sections 725.192 through 725.194. This groundwater monitoring program must be carried out during the active life of the facility and for disposal facilities during the post-closure care period as well.
- c) All or part of the groundwater monitoring requirements of this Subpart may be waived if the owner or operator can demonstrate that there is a low potential for migration of hazardous waste or hazardous waste constituents from the facility via the uppermost aquifer to water supply wells (domestic, industrial or agricultural) or to surface water. This demonstration must be in writing and must be kept at the facility. This demonstration must be certified by a qualified geologist or geotechnical engineer and must establish the following:
 - 1) The potential for migration of hazardous waste or hazardous waste constituents from the facility to the uppermost aquifer by an evaluation of:
 - A) A water balance of precipitation, evapotranspiration, runoff, and infiltration; and
 - B) Unsaturated zone characteristics (i.e., geologic materials, physical properties, and depth to ground water); and
 - 2) The potential for hazardous waste or hazardous waste constituents well or surface water by an evaluation of:
 - A) Saturated zone characteristics (i.e., geologic materials, physical properties, and rate of groundwater flow); and
 - B) The proximity of the facility to water supply wells or surface water.
- d) If an owner or operator assumes (or knows) that groundwater monitoring of indicator parameters in accordance with Sections 725.191 and 725.192 would show statistically significant increases (or decreases in the case of pH) when evaluated under Section 725.193(b), he may install, operate, and maintain an alternate groundwater monitoring system (other than the one described in Sections 725.191 and 725.192).

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If the owner or operator decides to use an alternate groundwater monitoring system it shall ~~he must~~ have:

- 1) By November 19, 1981, submitted to the Regional Administrator a specific plan, certified by a qualified geologist or geotechnical engineer, which satisfies the requirements of 40 CFR 265.93(d)(3) for an alternate groundwater monitoring system;
- 2) By November 19, 1981, initiated the determinations specified in 40 CFR 265.93(d)(4);
- 3) Prepare and submit a written report in accordance with Section 725.193(d)(5);
- 4) Continue to make the determinations specified in Section 725.193(d)(4) on a quarterly basis until final closure of the facility; and
- 5) Comply with the recordkeeping and reporting requirements in Section 725.194(b).

e) The groundwater monitoring requirements of this Subpart may be waived with respect to any surface impoundment which:

- 1) is used to neutralize wastes which are hazardous solely because they exhibit the corrosivity characteristic under 35 Ill. Adm. Code 721.122 or are listed as hazardous wastes in 35 Ill. Adm. Code 721, Subpart D only for this reason; and
- 2) Contains no other hazardous wastes, if the owner or operator can demonstrate that there is no potential for migration of hazardous wastes from the impoundment. The demonstration must establish, based upon consideration of the characteristics of the wastes and the impoundment, that the corrosive wastes will be neutralized to the extent that they no longer meet the corrosivity characteristic before they can migrate out of the impoundment. The demonstration must be in writing and must be certified by a qualified professional.

f) A permit or enforceable document can contain alternative requirements for ground water monitoring that replace all or part of the requirements of this Subpart F applicable to a regulated unit (as defined in 35 Ill. Adm. Code 724.190), as provided under 35 Ill. Adm. Code 703.161, where the Board or Agency determines the following:

- 1) The regulated unit is situated among solid waste management units (or areas of concern), a release has occurred, and both the regulated unit and one or more solid waste management units (or areas of concern) are likely to have contributed to the release; and

2) It is not necessary to apply the groundwater monitoring requirements of this Subpart F because the alternative requirements will protect human health and the environment. The alternative standards for the regulated unit must meet the requirements of 35 Ill. Adm. Code 724.201(a).

(Source: Amended at 23 Ill. Reg. 91 68 ^F effective JUL 26 1989)

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SUBPART G: CLOSURE AND POST-CLOSURE

Section 725.210 Applicability

Except as Section 725.101 provides otherwise:

- a) Sections 725.211 through 725.215 (which concern closure) apply to the owners and operators of all hazardous waste management facilities; and
- b) Sections 725.216 through 725.220 (which concern post-closure care) apply to the owners and operators of:
 - 1) All hazardous waste disposal facilities; or
 - 2) Waste piles and surface impoundments from which the owner or operator intends to remove the wastes at closure to the extent that these Sections are made applicable to such facilities in Section ~~Sections~~ 725.328 or 725.358; or
- 3) Tank systems which are required under Section 725.297 to meet requirements for landfills; or
- 4) Containment buildings that are required under Section 725.1102 to meet the requirement for landfills.

c) Section 725.221 applies to owners and operators of units that are subject to the requirements of 35 Ill. Adm. Code 703.161 and which are regulated under an enforceable document (as established pursuant to 35 Ill. Adm. Code 703.161).

d) A permit or enforceable document can contain alternative requirements that replace all or part of the closure and post-closure care requirements of this Subpart G (and the unit-specific standards in Section 725.211(c)) applying to a regulated unit (as defined in 35 Ill. Adm. Code 724.190), as provided in 35 Ill. Adm. Code 703.161, where the Board or Agency determines the following:

- 1) The regulated unit is situated among solid waste management units (or areas of concern), a release has occurred, and both the regulated unit and one or more solid waste management units (or areas of concern) are likely to have contributed to the release; and

2) It is not necessary to apply the closure requirements of this Subpart (and those referenced herein) because the alternative requirements will protect human health and the environment, and will satisfy the closure performance standard of Section 725.211(a) and (b).

(Source: Amended JUL 26 1989 at 23 Ill. Reg. 91 68 ^F effective JUL 26 1989)

Section 725.212 Closure Plan; Amendment of Plan

- a) Written plan ~~Plan~~. Within six months after the effective date of the rule that first subjects a facility to provisions of this Section, the owner or operator of a hazardous waste management facility shall have a written closure plan. Until final closure is completed and

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certified in accordance with Section 725.215, a copy of the most current plan must be furnished to the Agency upon request including request by mail. In addition, for facilities without approved plans, it must also be provided during site inspections on the day of inspection to any officer, employee, or representative of the Agency.

b) Content of plan. The plan must identify the steps necessary to perform partial or final closure of the facility at any point during its active life. The closure plan must include, at least:

- 1) A description of how each hazardous waste management unit at the facility will be closed in accordance with Section 725.211; and
- 2) A description of how final closure of the facility will be conducted in accordance with Section 725.221. The description must identify the maximum extent of the operation which will be unclosed during the active life of the facility; and
- 3) An estimate of the maximum inventory of hazardous wastes ever on-site over the active life of the facility and a detailed description of the methods to be used during partial and final closure, including, but not limited to methods for removing, transporting, treating, storing, or disposing of all hazardous waste, and identification of and the type(s) of off-site hazardous waste management unit(s) to be used, if applicable; and
- 4) A detailed description of the steps needed to remove or decontaminate all hazardous waste residues and contaminated containment system components, equipment, structures, and soils during partial and final closure including, but not limited to, procedures for cleaning equipment and removing contaminated soils, methods for sampling and testing surrounding soils, and criteria for determining the extent of decontamination necessary to satisfy the closure performance standard; and
- 5) A detailed description of other activities necessary during the partial and final closure period to ensure that all partial closures and final closure satisfy the closure performance standards, including, but not limited to, groundwater monitoring, leachate collection, and runoff run-on and runoff run-off control; and
- 6) A schedule for closure of each hazardous waste management unit and for final closure of the facility. The schedule must include, at a minimum, the total time required to close each hazardous waste management unit and the time required for intervening closure activities which will allow tracking of the progress of partial and final closure. (For example, in the case of a landfill unit, estimates of the time required to treat or dispose of all hazardous waste inventory and of the time required to place a final cover must be included); and
- 7) An estimate of the expected year of final closure for facilities that use trust funds to demonstrate financial assurance under Section 725.243 or 725.245 and whose remaining operating life is less than twenty years, and for facilities without

approved closure plans; and

8) For a facility where alternative requirements are established at a regulated unit under Section 725.190(f), 725.210(d), or 725.240(d), as provided under 35 Ill. Adm. Code 703.161, either the alternative requirements applying to the regulated unit or a reference to the enforceable document containing those alternative requirements.

c) Amendment of plan. The owner or operator may amend the closure plan at any time prior to the notification of partial or final closure of the facility. An owner or operator with an approved closure plan shall submit a written request to the Agency to authorize a change to the approved closure plan. The written request must include a copy of the amended closure plan for approval by the Agency.

- 1) The owner or operator shall amend the closure plan, whenever:
 - A) Changes in the operating plans or facility design affect the closure plan; or
 - B) Whenever there is a change in the expected year of closure, if applicable; or
 - C) In conducting partial or final closure activities, unexpected events require a modification of the closure plan; or
 - D) The owner or operator requests the establishment of alternative requirements, as provided under 35 Ill. Adm. Code 703.161, to a regulated unit under Section 725.190(f), 725.210(c), or 725.240(d).
- 2) The owner or operator shall amend the closure plan at least 60 days prior to the proposed change in facility design or operation, or no later than 60 days after an unexpected event has occurred which has affected the closure plan. If an unexpected event occurs during the partial or final closure period, the owner or operator shall amend the closure plan no later than 30 days after the unexpected event. These provisions also apply to owners or operators of surface impoundments and waste piles that who intended to remove all hazardous wastes at closure, but are required to close as landfills in accordance with Section 725.410.
- 3) An owner or operator with an approved closure plan shall submit the modified plan to the Agency at least 60 days prior to the proposed change in facility design or operation, or no more than 60 days after an unexpected event has occurred which has affected the closure plan. If an unexpected event has occurred during the closure plan, if an unexpected event has occurred during the partial or final closure period, the owner or operator shall submit the modified plan no more than 30 days after the unexpected event. These provisions also apply to owners or operators of surface impoundments and waste piles that who intended to remove all hazardous wastes at closure but are required to close as landfills in accordance with Section 725.410. If the amendment to the plan is a Class 2 or 3

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modification according to the criteria in 35 Ill. Adm. Code 703.280 742-246, the modification to the plan shall be approved according to the procedures in subsection (d)(4) of this Section below.

- 4) The Agency may request modifications to the plan under the conditions described in subsection (c)(1) of this Section above. An owner or operator with an approved closure plan shall submit the modified plan within 60 days after the request from the Agency, or within 30 days if the unexpected event occurs during partial or final closure. If the amendment is considered a Class 2 or 3 modification according to the criteria in 35 Ill. Adm. Code 703.280 742-246, the modification to the plan must be approved in accordance with the procedures in subsection (d)(4) of this Section below.

- a) Notification of partial closure and final closure.

- 1) When notice is required.

- A) The owner or operator shall submit the closure plan to the Agency at least 180 days prior to the date on which the owner or operator expects to begin closure of the first surface impoundment, waste pile, land treatment, or landfill unit, or final closure if it involves such a unit, whichever is earlier.
- B) The owner or operator shall submit the closure plan to the Agency at least 45 days prior to the date on which the owner or operator expects to begin partial or final closure of a boiler or industrial furnace.
- C) The owner or operator shall submit the closure plan to the Agency at least 45 days prior to the date on which the owner or operator expects to begin final closure of a facility with only tanks, container storage, or incinerator units.
- D) Owners or operators with approved closure plans shall notify the Agency in writing at least 60 days prior to the date on which the owner or operator expects to begin closure of a surface impoundment, waste pile, landfill, or land treatment unit, or final closure of a facility involving such a unit.
- E) Owners or operators with approved closure plans shall notify the Agency in writing at least 45 days prior to the date on which the owner or operator expects to begin partial or final closure of a boiler or industrial furnace.
- F) Owners and operators with approved closure plans shall notify the Agency in writing at least 45 days prior to the date on which the owner or operator expects to begin final closure of a facility with only tanks, container storage, or incinerator units.
- 2) The date when the owner or operator "expects to begin closure" must be either:
 - A) Within 30 days after the date on which any hazardous waste management unit receives the known final volume of hazardous

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wastes or, if there is a reasonable possibility that the hazardous waste management unit will receive additional hazardous wastes, no later than one year after the date on which the unit received the most recent volume of hazardous waste. If the owner or operator of a hazardous waste management unit demonstrates to the Agency that the hazardous waste management unit or facility has the capacity to receive additional hazardous wastes and that the owner or operator has taken and will continue to take, all steps to prevent threats to human health and the environment, including compliance with all interim status requirements, the Agency shall approve an extension to this one-year limit; or

- B) For units meeting the requirements of Section 725.213(d), no later than 30 days after the date on which the hazardous waste management unit receives the known final volume of non-hazardous wastes, or, if there is a reasonable possibility that the hazardous waste management unit will receive additional non-hazardous wastes, no later than one year after the date on which the unit received the most recent volume of non-hazardous wastes. If the owner or operator demonstrates to the Agency that the hazardous waste management unit has the capacity to receive additional non-hazardous wastes and that the owner and operator have taken, and will continue to take, all steps to prevent threats to human health and the environment, including compliance with all applicable interim status requirements, the Agency shall approve an extension to this one-year limit.

- 3) The owner or operator shall submit the closure plan to the Agency no later than 15 days after:
 - A) Termination of interim status (except when a permit is issued to the facility simultaneously with termination of interim status); or
 - B) Issuance of a judicial decree or Board order to cease receiving hazardous wastes or closure.

- 4) The Agency shall provide the owner or operator and the public, through a newspaper notice, the opportunity to submit written comments on the plan and request modifications of the plan no later than 30 days from the date of the notice. The Agency shall also, in response to a request or at its own discretion, hold a public hearing whenever such a hearing might clarify one or more issues concerning a closure plan. The Agency shall give public notice of the hearing at least 30 days before it occurs. (Public notice of the hearing may be given at the same time as notice of the opportunity for the public to submit written comments and the two notices may be combined.) The Agency shall approve, modify, or disapprove the plan within 90 days of its receipt. If the

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Agency does not approve the plan, the Agency shall provide the owner or operator with a detailed written statement of reasons for the refusal, and the owner or operator shall modify the plan or submit a new plan for approval within 30 days after receiving such written statement. The Agency shall approve or modify this plan in writing within 60 days. If the Agency modifies the plan, this modified plan becomes the approved closure plan. The Agency shall assure that the approved plan is consistent with Sections 725.211 through 725.215 and the applicable requirements of Sections 725.190 et seq., 725.297, 725.328, 725.358, 725.380, 725.410, 725.451, 725.481, 725.504, and 725.1102. A copy of this modified plan with a detailed statement of reasons for the modifications must be mailed to the owner or operator.

- e) Removal of wastes and decontamination or dismantling of equipment. Nothing in this Section precludes the owner or operator from removing hazardous wastes and decontaminating or dismantling equipment in accordance with the approved partial or final closure plan at any time before or after notification of partial or final closure.

(Source: Amended at 23 Ill. Reg. 9168, effective JUL 26 1999.)

Section 725.218 Post-Closure Care closure Plan; Amendment of Plan

- a) Written Plan. The owner or operator of a hazardous waste disposal unit shall have a written post-closure care plan. An owner or operator of a surface impoundment or waste pile that intends to remove all hazardous wastes at closure shall prepare a post-closure care plan and submit it to the Agency within 90 days after the date that the owner or operator or Agency determines that the hazardous waste management unit or facility must be closed as a landfill, subject to the requirements of Sections 725.217 through 725.220.
- b) Until final closure of the facility, a copy of the most current post-closure care plan must be furnished to the Agency upon request, including request by mail. In addition, for facilities without approved post-closure care plans, it must also be provided during site inspections, on the day of inspection, to any officer, employee or representative of the Agency. After final closure has been certified, the person or office specified in subsection (c)(3) shall keep the approved post-closure care plan during the post-closure care period.
- c) For each hazardous waste management unit subject to the requirements of this Section, the post-closure care plan must identify the activities which will be carried on after closure of each disposal unit and the frequency of these activities and include at least:
- 1) A description of the planned monitoring activities and frequencies at which they will be performed to comply with Subparts F, K, L, M, and N during the post-closure care period.
 - 2) A description of the planned maintenance activities and

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- frequencies at which they will be performed to ensure:
- A) The integrity of the cap and final cover or other containment systems in accordance with the requirements of Subparts K, L, M, and N; and
 - B) The function of the monitoring equipment in accordance with the requirements of Subparts F, K, L, M, and N, and
 - 3) The name, address, and phone number of the person or office to contact about the hazardous waste disposal unit or facility contacting the post-closure care period.
 - 4) For a facility subject to Section 725.221, provisions that satisfy the requirements of Section 725.221(a)(1) and (a)(3).
 - 5) For a facility where alternative requirements are established at a regulated unit under Section 725.190(f), 725.210(d), or 725.240(d), as provided under 35 Ill. Adm. Code 703.161, either the alternative requirements that apply to the regulated unit, or a reference to the enforceable document containing those requirements.

d) Amendment of plan. The owner or operator may amend the post-closure care plan at any time during the active life of the facility or during the post-closure care period. An owner or operator with an approved post-closure care plan shall submit a written request to the Agency to authorize a change to the approved plan. The written request must include a copy of the amended post-closure care plan for approval by the Agency.

- 1) The owner or operator shall amend the post-closure care plan whenever:
 - A) Changes in operating plans or facility design affect the post-closure care plan; or
 - B) Events occur during the active life of the facility, including partial and final closures, which affect the post-closure care plan; and
 - C) The owner or operator requests the establishment of alternative requirements to a regulated unit under Section 725.190(f), 725.210(d), or 725.240(d).
- 2) The owner or operator shall amend the post-closure care plan at least 60 days prior to the proposed changes in facility design or operation, or no later than 60 days after an unexpected event has occurred which has affected the post-closure care plan.
- 3) An owner or operator with an approved post-closure care plan shall submit the modified plan to the Agency at least 60 days prior to the proposed change in facility design or operation, or no more than 60 days after an unexpected event has occurred which has affected the post-closure care plan. If an owner or operator of a surface impoundment or a waste pile that who intended to remove all hazardous wastes at closure in accordance with Section 725.328(b) or 725.358(a) is required to close as a landfill in accordance with Section 725.410, the owner or operator shall submit a post-closure care plan within 90 days

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after the determination by the owner or operator or Agency that the unit must be closed as a landfill. If the amendment to the post-closure care plan is a Class 2 or 3 modification according to the criteria in 35 Ill. Adm. Code 703-280, the modification to the plan must be approved according to the procedures in subsection (f).

- 4) The Agency may request modifications to the plan under the conditions described in above subsection (d)(1) of this Section. An owner or operator with an approved post-closure care plan shall submit the modified plan no later than 60 days after the request from the Agency. If the amendment to the plan is considered a Class 2 or 3 modification according to the criteria in 35 Ill. Adm. Code 703-280 the modifications to the post-closure care plan must ~~shall~~ be approved in accordance with the procedures in subsection (f). If the Agency determines that an owner or operator of a surface impoundment or waste pile that who intended to remove all hazardous wastes at closure shall close the facility as a landfill, the owner or operator shall must submit a post-closure care plan for approval to the Agency within 90 days after the determination.

- e) The owner or operator of a facility with hazardous waste management units subject to these requirements shall submit the post-closure care plan to the Agency at least 180 days before the date the owner or operator expects to begin partial or final closure of the first hazardous waste disposal unit. The date when the owner or operator "expects to begin closure" of the first hazardous waste disposal unit must be either within 30 days after the date on which the hazardous waste management unit receives the known final volume of hazardous waste or, if there is a reasonable possibility that the hazardous waste management unit will receive additional hazardous wastes, no later than one year after the date on which the unit received the most recent volume of hazardous wastes. The owner or operator shall submit the closure plan to the Agency no later than 15 days after:
 - 1) Termination of interim status (except when a permit is issued to the facility simultaneously with termination of interim status); or
 - 2) Issuance of a judicial decree or Board order to cease receiving wastes or close.

f) Procedures.

- 1) Except as provided in subsection (f)(2), the Agency shall provide the owner or operator and the public through a newspaper notice the opportunity to submit written comments on the post-closure care plan and request modifications to the plan, no later than 30 days after the date of the notice. The Agency may also, in response to a request or at its own discretion, hold a public hearing whenever such a hearing might clarify one or more issues concerning the post-closure care plan. The Agency shall give public notice of the hearing at least 30 days before it occurs.

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(Public notice of the hearing may be given at the same time as notice of the opportunity for written public comments and the two notices may be combined.) The Agency shall approve, modify or disapprove the plan within 90 days of its receipt. If the Agency determines not to approve the plan, the Agency shall provide the owner or operator with a detailed statement of reasons for the refusal and the owner or operator shall modify the plan or submit a new plan for approval within 30 days after receiving such written statements. The Agency shall approve or modify this plan in writing within 60 days. If the Agency modifies the plan, this modified plan becomes the approved post-closure care plan. Any final Agency care plan is consistent with Sections 725.217 through 725.220. A copy of this modified plan with a detailed statement of reasons for the modifications must be mailed to the owner or operator.

- 2) The Agency shall not provide notice or the opportunity for public comment if, in a prior proceeding, the Board has ordered the modifications to the plan.

- g) The post-closure care plan and length of the post-closure care period may be modified at any time prior to the end of the post-closure care period in either of the following two ways:

- 1) The owner or operator or any member of the public may petition to extend or reduce the post-closure care period applicable to a hazardous waste management unit or facility based on cause, or alter the requirements of the post-closure care period based on cause.

A) The petition must include evidence demonstrating that:

- i) The secure nature of the hazardous waste management unit or facility makes the post-closure care requirement(s) unnecessary or supports reduction of the post-closure care period specified in the current post-closure care plan (e.g., leachate or groundwater monitoring results, characteristics of the waste, application of advanced technology or alternative disposal, treatment, or re-use techniques indicate that the facility is secure), or
- ii) the requested extension in the post-closure care period or alteration of post-closure care requirements is necessary to prevent threats to human health and the environment (e.g., leachate or groundwater monitoring results indicate a potential for migration of hazardous wastes at levels which may be harmful to human health and the environment).

B) These petitions must be considered only when they present new and relevant information not previously considered.

- i) Except as provided in subsection (g)(1)(B)(ii), whenever the Agency is considering a petition, it

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shall provide the owner or operator and the public, through a newspaper notice, the opportunity to submit written comments within 30 days of the date of the notice. The Agency shall also, in response to a request or at its own discretion, hold a public hearing whenever a hearing might clarify one or more issues concerning the post-closure care plan. The Agency shall give the public notice of the hearing at least 30 days before it occurs. (Public notice of the hearing may be given at the same time as notice of the opportunity for written public comments and the two notices may be combined.) After considering the comments, the Agency shall issue a final determination, based upon the criteria set forth in subsection (g)(1).

ii) The Agency shall not provide notice or the opportunity for public comment if, in a prior proceeding, the Board has ordered the modifications to the plan.

C) If the Agency denies the petition, it shall send the petitioner a brief written response giving a reason for the denial.

2) The Agency shall tentatively decide to modify the post-closure care plan if the Agency determines that it is necessary to prevent threats to human health and the environment. The Agency may propose to extend or reduce the post-closure care period applicable to a hazardous waste management unit or facility based on cause or alter the requirements of the post-closure care period based on cause.

A) The Agency shall provide the owner or operator and the affected public, through a newspaper notice, the opportunity to submit written comments within 30 days after of the date of the notice and the opportunity for a public hearing as in subsection (g)(1)(B). After considering the comments, the Agency shall issue a final determination.

B) The Agency shall base its final determination upon the same criteria as required for petitions under subsection (g)(1)(A). A modification of the post-closure care plan may include, where appropriate, the temporary suspension rather than permanent deletion of one or more post-closure care requirements. At the end of the specified period of suspension, the Agency would then determine whether the requirement(s) should be permanently discontinued or reinstated to prevent threats to human health and the environment.

h) The Agency procedures described in Sections 725.212 through 725.219 are in the nature of permit amendments. Amendment of refusal to amend the plan is a permit denial for purposes of appeal pursuant to 35 Ill. Adm. Code 105. The Agency shall not amend permits in such a manner so

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that the permit would not conform with Board regulations. i) If any person seeks a closure or post-closure care plan which would not conform with Board regulations, such person shall file a site-specific rulemaking petition pursuant to 35 Ill. Adm. Code 102 or a variance petition pursuant to 35 Ill. Adm. Code 104.

(Source: Journal of the Pollution Control Board at 23 Ill. Reg. 92168-2 effective July 20, 1999)

Section 725.221 Alternative Post-Closure Care Requirements

a) An owner or operator that is subject to the requirements to obtain a post-closure care permit under 35 Ill. Adm. Code 703.Subpart B but which obtain an enforceable document in lieu of a post-closure permit, as provided in 35 Ill. Adm. Code 703.161, shall comply with the following requirements:

i) The requirements to submit information about the facility in 35 Ill. Adm. Code 703.214;

2) The requirements for facility-wide corrective action in 35 Ill. Adm. Code 724.2017; and

3) The requirements of 35 Ill. Adm. Code 724.191 through 724.200.

b) Implementation of Alternative Requirements.

i) Public notice, public comments, and public hearing. A) In establishing alternative requirements in an enforceable document in lieu of a permit under this Section, The Board will assure a meaningful opportunity for public involvement that, at a minimum, includes public notice and opportunity for public comment, as provided for under the relevant provisions of the Act:

i) For site-specific rulemaking, in Sections 27 and 28 of the Act [415 ILCS 5/27 and 28].

ii) For an adjusted standard, in Section 28.1 of the Act [415 ILCS 5/28.1].

iii) For a variance, in Sections 35 through 38 of the Act [415 ILCS 5/35 through 38].

iv) For an order issued pursuant to Section 33(a) of the Act [415 ILCS 5/33(a)], in Section 31, 32 and 33 of the Act [415 ILCS 5/31, 32, and 33].

B) When an owner or operator submits a plan to the Agency pursuant to an appropriate statutory or regulatory authority, the Agency shall provide public notice and an opportunity for public hearing on the plan according to the requirements of 35 Ill. Adm. Code 705.Subparts D and E as follows:

i) When the Agency becomes involved in remedial action at the facility under regulations or in an enforcement action;

ii) On the proposed preferred remedy and on the

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assumptions on which the remedy is based, especially those relating to land use and site characterization, and

- iii At the time of a proposed decision that remedial action is complete at the facility.

c) The requirements of subsection (b)(1)(B) of this Section must be met before the Agency may consider that the facility owner or operator has met the requirements of 35 Ill. Adm. Code 703.161, unless the facility qualifies for a modification to these public participation requirements under either of subsections (b)(2) or (b)(3) of this Section.

2) If the Agency determines that even a short delay in the implementation of a remedy would adversely affect human health or the environment, the Agency may delay compliance with the requirements of subsection (b)(1)(B) of this Section and immediately implement the remedy. However, the Agency shall assure involvement of the public at the earliest opportunity and, in all cases, upon making the decision that additional remedial action is not needed at the facility.

3) The Agency may allow a remediation initiated prior to August 6, 1999, to substitute for corrective action required under a post-closure care permit even if the public involvement requirements of subsection (b)(1)(B) of this Section have not been met so long as the Agency assures that notice and comment on the decision that no further remediation is necessary to adequately protect human health and the environment takes place at the earliest reasonable opportunity after August 6, 1999.

(Source: Added at 23 Ill. Reg. **-91-6-8-**, effective Jul 26 1999.)

SUBPART H: FINANCIAL REQUIREMENTS

Section 725.240 Applicability

a) The requirements of Sections 725.242, 725.243, and 725.247 through 725.250 apply to owners and operators of all hazardous waste facilities, except as provided otherwise in this Section or in Section 725.101.

b) The requirements of Sections Section 725.244 and 725.246 apply only to owners and operators of any of the following:

- 1) Disposal facilities; or
- 2) Tank systems that are required under Section 725.297 to meet the requirements for landfills; or
- 3) Containment buildings that are required under Section 725.1102 to meet the requirements for landfills.

c) States and the Federal Government are exempt from the requirements of

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this Subpart.

d) A permit or enforceable document can contain alternative requirements that replace all or part of the financial assurance requirements of Subpart H of this Part applying to a regulated unit, as provided in 35 Ill. Adm. Code 703.161, where the Board or Agency has done the following:

1) The Board or Agency has established alternative requirements for the regulated unit established under Section 725.190(f) or Section 724.210(d); and

2) The Board or Agency determines that it is not necessary to apply the financial assurance requirements of Subpart H of this Part because the alternative financial assurance requirements will adequately protect human health and the environment.

(Source: Amended Jul 26 1999, 23 Ill. Reg. **-91-6-8-**, effective Jul 26 1999.)

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1) Heading of the Part: Land Disposal Restrictions2) Code citation: 35 Ill. Adm. Code 7283) Section Numbers: Proposed Action:

728.102 Amended

728.107 Amended

728.109 Amended

728.139 Amended

728.140 Amended

728.149 Amended

728.150 Amended

728.151 Amended

728.152 Amended

728.153 Amended

728.154 Amended

728.155 Amended

728.156 Amended

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728.189 Amended

728.190 Amended

728.191 Amended

728.192 Amended

728.193 Amended

728.194 Amended

728.195 Amended

4) Statutory authority: 415 ILCS 5/7-2, 22.4 and 275) Effective date of amendments: July 26, 19996) Does this rulemaking contain an automatic repeal date? No7) Do these amendments contain incorporations by reference? No. Although the existing text of Part 728 includes incorporations by reference, the present amendments do not affect those incorporations.8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the Board's principal office and is available for public inspection.9) Notice of proposal published in Illinois Register: April 23, 1999, 23 Ill. Reg. 479310) Has JCAR issued a Statement of Objections to these amendments? No. Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.11) Differences between proposal and final version:Section Revised Source(s) of Revision(s)
Revision(s)

728. table of contents JCAR Added "in R99-15"

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728.102 "hazardous debris" Board Added May 11, 1999, federal amendments

728.102 "inorganic solid debris" Board, Agency Deleted a definition that USEPA amended to "debris" on August 18, 1992 (at 58 Fed. Reg. 37270), which the Board should have deleted on September 23, 1993 in docket R93-4

728.102 "soil" Board, JCAR Added May 11, 1999, federal amendments

728.107(b)(3)(B) Par. 6 Board Added May 11, 1999, federal amendments

728.107(b)(4)(D) & certification Board Added May 11, 1999, federal amendments

728.109(d)(2) Board Added May 11, 1999, federal amendments

728.140(a) Board, Agency Changed "Section" to "Table"

728.140(a)(1) Agency Changed "that Section" to "Table T of this Part"

728.140(a)(2) Agency Changed "that Section" to "Table T of this Part"

728.140(a)(3) Agency Changed "that Section" to "Table T of this Part"

728.140(e) Agency Corrected references to "728.102" (twice)

728.140(1) Board Added May 11, 1999, federal amendments

728.149(c)(3)(A) Board Added May 11, 1999, federal amendments

728.149(c)(3)(B) Board Used plural "methods"

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728.150(a)(2) Board, JCAR Changed ending punctuation to a colon, added "each of the following conditions are fulfilled"

728.150(a)(2)(A) Board, JCAR Added ending conjunction "and"

728.150(d) Agency Added missing closing parenthesis mark

728.150(f) Agency Deleted the last sentence, since Section 728.132 to which it refers was repealed on August 20, 1998, inocket R97-21/R98-3/R98-5

728.Table I Par. 1 Board Added May 11, 1999, federal amendments

728.Table I Par. 3 Board Added May 11, 1999, federal amendments

728.Table I Par. 8 Board Added May 11, 1999, federal amendments

728.Table T "R088" Board Added May 11, 1999, federal amendments to "barium", "nickel", and "fluoride" reversing amendments of September 24, 1998

728.Table T "R156" Board Added May 11, 1999, federal amendment restoring footnote mark deleted in an amendment of September 24, 1998

728.Table T "R159" Board Added May 11, 1999, federal amendments withdrawing amendments of September 24, 1998

728.Table T "P194" Board Added May 11, 1999, federal amendments withdrawing an amendment of September 24, 1998

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728.Table T "U404" Board Added May 11, 1999, federal amendment

728.Table U "aldicarb sulfone" Board Added May 11, 1999, federal amendment restoring footnote mark deleted in an amendment of September 24, 1998

728.Table U "barban" Board Added May 11, 1999, federal amendment restoring footnote mark deleted in an amendment of September 24, 1998

728.Table U "bendiocarb" Board Added May 11, 1999, federal amendment restoring footnote mark deleted in an amendment of September 24, 1998

728.Table U "benomyl" Board Added May 11, 1999, federal amendment restoring footnote mark deleted in an amendment of September 24, 1998

728.Table U "butylate" Board Added May 11, 1999, federal amendment restoring footnote mark deleted in an amendment of September 24, 1998

728.Table U "carbaryl" Board Added May 11, 1999, federal amendment restoring footnote mark deleted in an amendment of September 24, 1998

728.Table U "carbenazadim" Board Added May 11, 1999, federal amendment restoring footnote mark deleted in an amendment of September 24, 1998

728.Table U "carbofuran" Board Added May 11, 1999, federal amendment restoring footnote mark deleted in an amendment of September 24, 1998

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728.Table U "carbofuran phenol"	Board	amendment of September 24, 1998 Added May 11, 1999, federal amendment restoring footnote mark deleted in an amendment of September 24, 1998
728.Table U "carbosulfan"	Board	Added May 11, 1999, federal amendment restoring footnote mark deleted in an amendment of September 24, 1998
728.Table U "dithiocarbamates"	Board	Added May 11, 1999, federal amendment restoring footnote mark deleted in an amendment of September 24, 1998
728.Table U "EPRC"	Board	Added May 11, 1999, federal amendment restoring footnote mark deleted in an amendment of September 24, 1998
728.Table U "formetanate hydrochloride"	Board	Added May 11, 1999, federal amendment restoring footnote mark deleted in an amendment of September 24, 1998
728.Table U "methiocarb"	Board	Added May 11, 1999, federal amendment restoring footnote mark deleted in an amendment of September 24, 1998
728.Table U "methomyl"	Board	Added May 11, 1999, federal amendment restoring footnote mark deleted in an amendment of September 24, 1998
728.Table U "metolcarb"	Board	Added May 11, 1999, federal amendment restoring footnote mark deleted in an

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728.Table U "mexacarbate"	Board	amendment of September 24, 1998 Added May 11, 1999, federal amendment restoring footnote mark deleted in an amendment of September 24, 1998
728.Table U "mollinate"	Board	Added May 11, 1999, federal amendment restoring footnote mark deleted in an amendment of September 24, 1998
728.Table U "oxamyl"	Board	Added May 11, 1999, federal amendment restoring footnote mark deleted in an amendment of September 24, 1998
728.Table U "pebulate"	Board	Added May 11, 1999, federal amendment restoring footnote mark deleted in an amendment of September 24, 1998
728.Table U "physostigmine"	Board	Added May 11, 1999, federal amendment restoring footnote mark deleted in an amendment of September 24, 1998
728.Table U "physostigmine salicylate"	Board	Added May 11, 1999, federal amendment restoring footnote mark deleted in an amendment of September 24, 1998
728.Table U "promecarb"	Board	Added May 11, 1999, federal amendment restoring footnote mark deleted in an amendment of September 24, 1998
728.Table U "propham"	Board	Added May 11, 1999, federal amendment restoring footnote mark deleted in an

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amendment of September 24, 1998

728.Table U "propoxur"

Board

Added May 11, 1999, federal amendment restoring footnote mark deleted in an amendment of September 24, 1998

728.Table U "prosulfocarb"

Board

Added May 11, 1999, federal amendment restoring footnote mark deleted in an amendment of September 24, 1998

728.Table U "thiodicarb"

Board

Added May 11, 1999, federal amendment restoring footnote mark deleted in an amendment of September 24, 1998

728.Table U "thiophanate-methyl"

Board

Added May 11, 1999, federal amendment restoring footnote mark deleted in an amendment of September 24, 1998

728.Table U "triallate"

Board

Added May 11, 1999, federal amendment restoring footnote mark deleted in an amendment of September 24, 1998

728.Table U "triethylamine"

Board

Added May 11, 1999, federal amendment restoring footnote mark deleted in an amendment of September 24, 1998

728.Table U "vernalate"

Board

Added May 11, 1999, federal amendment restoring footnote mark deleted in an amendment of September 24, 1998

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728.Table U note 6

Board

Added May 11, 1999, federal amendment restoring text deleted in an amendment of September 24, 1998

12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR? Section 22.4(a) of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

13) Will these amendments replace emergency amendments currently in effect? No

14) Are there any other amendments pending on this Part? No

15) Summary and purpose of amendments: A more detailed description is contained in the Board's opinion and order of June 17, 1999 in docket R99-15, which opinion and order is available from the address below. Section 22.4 of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

This proceeding updates the Illinois RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by the United States Environmental Protection Agency (USEPA) that appeared in the *Federal Register* during a single update period. The docket and time period that is involved in this proceeding is the following:

R99-15

Federal RCRA Subtitle C amendments that occurred during the period July 1, 1998, through December 31, 1998.

The R99-15 docket amends rules in Parts 703, 720, 721, 724, 725, 726, 728, and 733. Prior to discussing the specific changes made to this Part, the Board will describe the docket as a whole, since amendments to various Parts may be inter-related. The following table briefly summarizes the federal actions in the update period:

63 Fed. Reg. 37780

(July 14, 1998)

USEPA withdrew segments of a May 6, 1998 direct final rule that drew adverse comment.

63 Fed. Reg. 42109

(August 6, 1998)

USEPA adopted new waste listings and land disposal restrictions (LDRs) for petroleum wastes, including certain exclusions from regulation as hazardous waste.

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63 Fed. Reg. 42580 (August 10, 1998)
organobromine production waste rules; the May 26, 1998, Phase IV LDRs; and the June 29, 1998, organobromine waste technical amendments.

63 Fed. Reg. 46331 (August 31, 1998)
USEPA adopted technical amendments to the May 4, 1998, organobromine waste rules.

63 Fed. Reg. 47409 (September 4, 1998)
USEPA changed the effective dates and adopted emergency amendments to the LDRs applicable to several carbonate wastes and waste constituents.

63 Fed. Reg. 48124 (September 9, 1998)
USEPA issued an extension of the Phase IV LDR compliance deadline, until November 26, 1998, for certain limited metal-bearing wastes.

63 Fed. Reg. 51253 (September 24, 1998)
USEPA adopted LDR treatment standards applicable to spent potliners from primary aluminum production.

63 Fed. Reg. 54356 (October 9, 1998)
USEPA changed the compliance deadline of the August 6, 1998 petroleum waste rules until December 8, 1998.

63 Fed. Reg. 56709 (October 22, 1998)
USEPA amended the treatment, storage, and disposal facility standards to allow states to use mechanisms other than permits to approve facility post-closure care plans and to allow the closure of certain units through the corrective action program.

63 Fed. Reg. 64371 (November 19, 1998)
USEPA issued a final decision not to list 14 waste solvents as hazardous waste.

63 Fed. Reg. 65873 (November 30, 1998)
USEPA adopted new remedial action plan (RAP) requirements applicable to the treatment, storage, or disposal of hazardous remediation wastes during cleanup actions.

63 Fed. Reg. 71225 (December 24, 1998)
USEPA adopted corrective and clarifying amendments to the May 11, 1995 (60 Fed. Reg. 25492) universal waste rule. The amendments correct aspects of the standards for spent lead-acid battery management and the definition of small quantity universal waste handler, and they clarify the export

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requirements for destination facilities that are universal waste handlers.

The Board has already taken or does not need to take action based on five sets of these federal RCRA Subtitle C amendments. The Board dealt with the federal action of July 14, August 10 and 31, September 9, and October 9, 1998, in the prior consolidated R98-21/R99-2/R99-7 RCRA Subtitle C and underground injection control (UIC) update docket, adopted on December 17, 1998, and filed with the Secretary of State on January 19, 1999. (The Board made all but one of the federal amendments of August 6, 1998, in the consolidated R98-21/R99-2/R99-7 update docket, but must complete the one minor amendment in this rulemaking.) The Board will not amend the Illinois regulations in response to the federal action of November 19, 1998, where the USEPA determination not to list the wastes as hazardous did not result in an amendment of the federal regulations.

In addition to the federal actions that fall within the timeframes of this docket, the Board is including additional federal actions that occurred later. These additional actions directly impact one or more of the actions that USEPA took within the timeframes that are involved.

64 Fed. Reg. 6806 (February 11, 1999)
USEPA adopted amendments to the exclusions from the definition of hazardous waste that have the effect of deferring regulation of certain materials as hazardous waste until February 13, 2001. The wastes affected are landfill leachate and landfill gas condensate derived from previously-disposed petroleum refining wastes (USEPA hazardous waste codes K169 through K172, originally listed on August 6, 1998 (63 Fed. Reg. 42110), effective February 6, 1999, and adopted by the Board on December 17, 1998, in consolidated update docket R98-21/R99-2/R99-7, effective January 19, 1999).

The Board examined three federal actions that amended the Clean Water Act analytical methods, which are incorporated by reference in 35 Ill. Adm. Code 720.111. The Board updates the incorporation by reference.

63 Fed. Reg. 38756 (July 20, 1998)
USEPA published a correction to 40 C.F.R. 136.3(e) table, as published on July 1, 1997.

63 Fed. Reg. 44146 (August 18, 1998)
USEPA published a correction to 40 C.F.R. 136.3(e) table, as published on July 1, 1997.

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63 Fed. Reg. 50387 (September 21, 1998) USEPA adopted effluent discharge and wastewater pretreatment standards for the pharmaceutical manufacturing industry sector.

The Board dealt with the federal actions of July 20 and August 18, 1998, in the prior consolidated R98-21/R99-2/R99-7 RCRA Subtitle C and underground injection control (UIC) update docket, adopted on December 17, 1998, and filed with the Secretary of State on January 19, 1999. Thus, the Board is acting in this R99-15 docket on the following USEPA amendments:

63 Fed. Reg. 42109 (August 6, 1998) USEPA adopted new waste listings and land disposal restrictions (LDRs) for petroleum wastes, including certain exclusions from regulation as hazardous waste.

63 Fed. Reg. 47409 (September 4, 1998) USEPA changed the effective dates and adopted emergency amendments to the LDRs applicable to several carbanate wastes and waste constituents.

63 Fed. Reg. 50387 (September 21, 1998) USEPA adopted effluent discharge and wastewater pretreatment standards for the pharmaceutical manufacturing industry sector.

63 Fed. Reg. 51253 (September 24, 1998) USEPA adopted LDR treatment standards applicable to spent potliners from primary aluminum production.

63 Fed. Reg. 56709 (October 22, 1998) USEPA amended the treatment, storage, and disposal facility standards to allow states to use mechanisms other than permits to approve facility post-closure care plans and to allow the closure of certain units through the corrective action program.

63 Fed. Reg. 65873 (November 30, 1998) USEPA adopted new remedial action plan (RAP) requirements applicable to the treatment, storage, or disposal of hazardous remediation wastes during cleanup actions.

63 Fed. Reg. 71225 (December 24, 1998) USEPA adopted corrective and clarifying amendments to the May 11, 1995 (60 Fed. Reg. 25492) universal waste rule. The amendments correct aspects of the standards for spent lead-acid battery management and the definition of small quantity universal waste handler, and they clarify the export

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requirements for destination facilities that are universal waste handlers.

64 Fed. Reg. 6806 (February 11, 1999) USEPA adopted amendments to the exclusions from the definition of hazardous waste that have the effect of deferring regulation of certain materials as hazardous waste until February 13, 2001. The wastes affected are landfill leachate and landfill gas condensate derived from previously-disposed petroleum refining wastes (USEPA hazardous waste codes K169 through K172, originally listed on August 6, 1998 (63 Fed. Reg. 42110), effective February 6, 1999, and adopted by the Board on December 17, 1998, in consolidated update docket R98-21/R99-2/R99-7, effective January 19, 1999).

Specifically, the amendments to Part 728 implement segments of the federal September 4, 1998 carbanate waste land disposal restriction emergency amendments; the September 24, 1998 primary aluminum production spent potliner land disposal restriction treatment standards; and the November 30, 1998 hazardous waste remediation waste amendments.

Section 22.4 of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JOAR.

16) Information and questions regarding these adopted amendments shall be directed to:

Michael J. McCambridge
Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601
312-814-6924

Request copies of the Board's opinion and order of June 17, 1999 in docket R99-15 from Patricia Jones at 312-814-3620.

The full text of the adopted amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 728

LAND DISPOSAL RESTRICTIONS

SUBPART A: GENERAL

Section	Purpose, Scope and Applicability
728.101	Definitions
728.102	Dilution Prohibited as a Substitute for Treatment
728.103	Treatment Surface Impoundment Exemption
728.104	Procedures for case-by-case Extensions to an Effective Date
728.105	Petitions to Allow Land Disposal of a Waste Prohibited under Subpart C
728.106	Testing, Tracking, and Recordkeeping Requirements for Generators, Treaters, and Disposal Facilities
728.107	Landfill and Surface Impoundment Disposal Restrictions (Repealed)
728.108	Special Rules for Characteristic Wastes

SUBPART B: SCHEDULE FOR LAND DISPOSAL PROHIBITION AND ESTABLISHMENT OF TREATMENT STANDARDS

Section	
728.110	First Third (Repealed)
728.111	Second Third (Repealed)
728.112	Third Third (Repealed)
728.113	Newly Listed Wastes
728.114	Surface Impoundment exemptions

SUBPART C: PROHIBITION ON LAND DISPOSAL

Section	
728.130	Waste Specific Prohibitions -- Wood Preserving Wastes
728.131	Waste Specific Prohibitions -- Dioxin-Containing Wastes
728.132	Waste Specific Prohibitions -- California List Wastes (Repealed)
728.133	Waste Specific Prohibitions -- Organobromine Wastes
728.134	Waste Specific Prohibitions -- Toxicity Characteristic Metal Wastes
728.135	Waste Specific Prohibitions -- Petroleum Refining Wastes
728.136	Waste Specific Prohibitions -- Newly Listed Wastes (Repealed)
728.137	Waste Specific Prohibitions -- Ignitable and Corrosive Characteristic Wastes Whose Treatment Standards Were Vacated
728.138	Waste-Specific Prohibitions: Newly-Identified Organic Toxicity Characteristic Wastes and Newly-Listed Coke By-Product and Chlorotoluene Production Wastes

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728.139 Waste-Specific Prohibitions: End-of-pipe--CWA--GWA-Equivalent--and Class--i-Nonhazardous-Waste-injection-Well-Treatment-Standards, Spent Aluminum Potliners, and Carbamate Wastes

SUBPART D: TREATMENT STANDARDS

Section	
728.140	Applicability of Treatment Standards
728.141	Treatment Standards Expressed as Concentrations in Waste Extract
728.142	Treatment Standards Expressed as Specified Technologies
728.143	Treatment Standards Expressed as Waste Concentrations
728.144	Adjustment of Treatment Standard
728.145	Treatment Standards for Hazardous Debris
728.146	Alternative Treatment Standards Based on HWPR
728.148	Universal Treatment Standards
728.149	Alternative LDR Treatment Standards for Contaminated Soil

SUBPART E: PROHIBITIONS ON STORAGE

Section	
728.150	Prohibitions on Storage of Restricted Wastes

APPENDIX A	Toxicity Characteristic Leaching Procedure (TCLP) (Repealed)
APPENDIX B	Treatment Standards (As concentrations in the Treatment Residual Extract) (Repealed)
APPENDIX C	List of Halogenated Organic Compounds (Repealed)
APPENDIX D	Wastes Excluded from Lab Packs
APPENDIX E	Organic Lab Packs (Repealed)
APPENDIX F	Technologies to Achieve Deactivation of Characteristics
APPENDIX G	Federal Effective Dates
APPENDIX H	National Capacity LDR Variances for UIC Wastes
APPENDIX I	EP Toxicity Test Method and Structural Integrity Test
APPENDIX J	Recordkeeping, Notification, and Certification Requirements (Repealed)
APPENDIX K	Metal Bearing Wastes Prohibited from Dilution in a Combustion Unit According to Section 728.103(c)

TABLE A Constituent Concentrations in Waste Extract (CCWE)

TABLE B Constituent Concentrations in Wastes (CCW)

TABLE C Technology Codes and Description of Technology-Based Standards

TABLE D Technology-Based Standards by RCRA Waste Code

TABLE E Standards for Radioactive Mixed Waste

TABLE F Alternative Treatment Standards for Hazardous Debris

TABLE G Alternative Treatment Standards Based on HWPR

TABLE H Wastes Excluded from CCW Treatment Standards

TABLE I Generator Paperwork Requirements

TABLE J Treatment Standards for Hazardous Wastes

TABLE T Universal Treatment Standards (UTS)

TABLE U

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AUTHORITY: Implementing Sections 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/22.4 and 27].

SOURCE: Adopted in 87-5 at 11 l. Reg. 19354, effective November 12, 1987; amended in 88-7-39 at 12 l. Reg. 13046, effective July 29, 1988; amended in 89-1 at 13 l. Reg. 18403, effective November 13, 1989; amended in 89-9 at 14 l. Reg. 6232, effective April 16, 1990; amended in 89-2 at 14 l. Reg. 14470, effective August 22, 1990; amended in 89-10 at 14 l. Reg. 16508, effective September 25, 1990; amended in 89-11 at 15 l. Reg. 9462, effective June 17, 1991; amended in 89-11 at 15 l. Reg. 11937, effective August 12, 1991; amendment withdrawn at 15 l. Reg. 14716, October 11, 1991; amended in 89-13 at 16 l. Reg. 9619, effective June 9, 1992; amended in 89-2-10 at 17 l. Reg. 5727, effective March 26, 1993; amended in 89-4 at 17 l. Reg. 6799, 20692, effective November 22, 1993; amended in 89-16 at 18 l. Reg. 6799, effective April 26, 1994; amended in 89-4-7 at 18 l. Reg. 12203, effective July 29, 1994; amended in 89-4-17 at 18 l. Reg. 17563, effective November 23, 1994; amended in 89-5-6 at 19 l. Reg. 9660, effective June 27, 1995; amended in 89-5-20 at 20 l. Reg. 11100, effective August 1, 1996; amended in 89-10/R97-3/R97-5 at 22 l. Reg. 783, effective December 16, 1997; amended in 89-12 at 22 l. Reg. 7685, effective April 15, 1998; amended in 89-21/R98-3/R98-5 at 22 l. Reg. 17706, effective September 28, 1998; amended in 89-21/R99-2/R99-7 at 23 l. Reg. 1964, effective January 19, 1999; amended in 89-15 at 23 l. Reg. 9204, effective JUL 26 1999.

SUBPART A: GENERAL

Section 728.102 Definitions

When used in this Part the following terms have the meanings given below. All other terms have the meanings given under 35 Ill. Adm. Code 702.110, 720.110, or 721.102 through 721.104.

"Agency" means the Illinois Environmental Protection Agency.

"Board" means the Illinois Pollution Control Board.

"CERCLA" means the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 USC 9601 et seq.)

"Debris" means solid material exceeding a 60 mm particle size that is intended for disposal and that is: a manufactured object; plant or animal matter; or natural geologic material. However, the following materials are not debris: any material for which a specific treatment standard is provided in Subpart D of this Part, namely lead acid batteries, cadmium batteries, and radioactive lead solids; process residuals, such as smelter slag and residues from the treatment of waste, wastewater, sludges, or air emission residues; and intact containers of hazardous waste

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that are not ruptured and that retain at least 75% of their original volume. A mixture of debris that has not been treated to the standards provided by Section 728.145 of this Part and other material is subject to regulation as debris if the mixture is comprised primarily of debris, by volume, based on visual inspection.

"End-of-pipe" refers to the point where effluent is discharged to the environment.

"Halogenated organic compounds" or "HOCs" means those compounds having a carbon-halogen bond that are listed under Section 728-Appendix C of this Part.

"Hazardous constituent or constituents" means those constituents listed in 35 Ill. Adm. Code 721-Appendix H.

"Hazardous debris" means debris that contains a hazardous waste listed in 35 Ill. Adm. Code 721-Subpart D or that exhibits a characteristic of hazardous waste identified in 35 Ill. Adm. Code 721-Subpart C. Any deliberate mixing of prohibited waste with debris that changes its treatment classification (i.e., from waste to hazardous debris) is not allowed under the dilution prohibition in Section 728.103.

"Inorganic metal-bearing waste" is one for which USEPA has established treatment standards for metal hazardous constituents that does not otherwise contain significant organic or cyanide content, as described in Section 728.103(b)(1), and which is specifically listed in Section 728-Appendix K of this Part.

"Inorganic solid debris" are nonfriable inorganic solids that are incapable of passing through a 9.5-mm standard sieve and that require cutting or crushing or grinding in mechanical-dicing equipment prior to stabilization, limited to the following inorganic or metal materials:

Metal slings (either cross or scoria);

Glassified slag;

Gases;

Concrete (excluding cementitious or pozzolanic-stabilized hazardous wastes);

Masonry and refractory bricks;

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Metal-cans, containers, drums, or tanks:

Metal-nuts--bolts--pipes--pumps--valves--appliances--or industrial equipment:

Scrap metal--as defined in 35 Ill. Adm. Code 720.101(c)(6):

"Land disposal" means placement in or on the land, except in a corrective action management unit or staging pile, and "land disposal" includes, but is not limited to, placement in a landfill, surface impoundment, waste pile, injection well, land treatment facility, salt dome formation, salt bed formation, underground miner or cave, or placement in a concrete vault or bunker intended for disposal purposes.

"Nonwastewaters" are wastes that do not meet the criteria for "wastewaters" in this Section.

"Polychlorinated biphenyls" or "PCBs" are halogenated organic compounds defined in accordance with 40 CFR 761.3, incorporated by reference in 35 Ill. Adm. Code 720.111.

"ppm" means parts per million.

"RCRA corrective action" means corrective action taken under 35 Ill. Adm. Code 724.200 or 725.193, 40 CFR 264.100 or 265.93 (1996), or similar regulations in other States with RCRA programs authorized by USEPA pursuant to 40 CFR 271 (1996).

"Soil" means unconsolidated earth material composing the superficial geologic strata (material overlying bedrock), consisting of clay, silt, sand, or gravel size particles, as classified by the U.S. Natural Resources Soil Conservation Service, or a mixture of such materials with liquids, sludges, or solids that is inseparable by simple mechanical removal, processes and which is made up primarily of soil by volume based on visual inspection. Any deliberate mixing of prohibited waste with debris that changes its treatment classification (i.e., from waste to hazardous debris) is not allowed under the dilution prohibition in Section 728.103.

"Stormwater impoundments" are surface impoundments that receive wet weather flow and which receive process waste only during wet weather events.

"Underlying hazardous constituent" means any constituent listed in Table U of this Part, "Universal Treatment Standards (UTS)", except fluoride, selenium, sulfides, vanadium, and zinc, that can

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reasonably be expected to be present at the point of generation of the hazardous waste at a concentration above the constituent-specific UTS treatment standard.

"U.S.-EPA--or--USEPA" or "U.S. EPA" means the United States Environmental Protection Agency.

"Wastewater" are wastes that contain less than 1 percent by weight total organic carbon (TOC) and less than 1 percent by weight total suspended solids (TSS).

(Source: Amended at 23 Ill. Reg. **92-04**, effective JUL 26 1999)

Section 728.107 Testing, Tracking, and Recordkeeping Requirements for Generators, Treaters, and Disposal Facilities

a) Requirements for generators:

1) A generator of a hazardous waste shall determine if the waste has to be treated before it can be land disposed. This is done by determining if the hazardous waste meets the treatment standards in Section 728.140, 728.145, or 728.149. This determination can be made in either of two ways: testing the waste or using knowledge of the waste. If the generator tests the waste, testing determines the total concentration of hazardous constituents or the concentration of hazardous constituents in an extract of the waste obtained using SW-846 Method 1311 (the Toxicity Characteristic Leaching Procedure) incorporated by reference in 35 Ill. Adm. Code 720.111, depending on whether the treatment standard for the waste is expressed as a total concentration or concentration of hazardous constituent in the waste extract. In addition, some hazardous wastes must be treated by particular treatment methods before they can be land disposed and some soils are contaminated by such hazardous wastes. These treatment standards are also found in Section 728.140 and Table T of this Part, and are described in detail in Table C of this Part. These wastes and soils contaminated with such wastes do not need to be tested (however, if they are in a waste mixture, other wastes with concentration level treatment standards must be tested). If a generator determines that it is managing a waste or soil contaminated with a waste that displays a hazardous characteristic of ignitability, corrosivity, reactivity, or toxicity, the generator shall comply with the applicable requirements of Section 728.109 in addition to any special requirements in this Section.

2) If the waste or contaminated soil does not meet the treatment standard, the generator shall send a one-time written notice to each treatment or storage facility receiving the waste with the

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initial shipment of waste to each treatment or storage facility, and the generator shall place a copy of the one-time notice in the file. The notice must include the information in column "728.107(a)(2)" of the Generator Paperwork Requirements Table in Table I of this Part. No further notification is necessary until such time that the waste or facility changes, in which case a new notification must be sent and a copy placed in the generator's file.

A) For contaminated soil, the following certification statement should be included, signed by an authorized representative:

I certify under penalty of law that I personally have examined this contaminated soil and it (does/does not) contain listed hazardous waste and (does/does not) exhibit a characteristic of hazardous waste and requires treatment to meet the soil treatment standards as provided by 35 Ill. Adm. Code 728.149(c).

B) This subsection (a)(2)(B) corresponds with 40 CFR 268.7(a)(2)(ii), which is marked "reserved" by USEPA. This statement maintains structural consistency with USEPA rules.

3) If the waste or contaminated soil meets the treatment standard at the original point of generation:

A) With the initial shipment of waste to each treatment, storage, or disposal facility, the generator shall send a one-time written notice to each treatment, storage, or disposal facility receiving the waste, and place a copy in its own file. The notice must include the information indicated in column "728.107(a)(3)" of the Generator Paperwork Requirements Table in Table I of this Part and the following certification statement, signed by an authorized representative:

I certify under penalty of law that I personally have examined and am familiar with the waste through analysis and testing or through knowledge of the waste to support this certification that the waste complies with the treatment standards specified in 35 Ill. Adm. Code 728 Subpart D. I believe that the information I submitted is true, accurate, and complete. I am aware that there are significant penalties for submitting a false certification, including the possibility of a fine and imprisonment.

B) For contaminated soil, with the initial shipment of wastes to each treatment, storage, or disposal facility, the generator must send a one-time written notice to each facility receiving the waste and place a copy in the file. The notice must include the information in the column headed

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"(a)(3)" in Section 728. Table I.

4) For reporting, tracking and recordkeeping when exceptions allow certain wastes or contaminated soil that do not meet the treatment standards to be land disposed, there are certain exemptions from the requirement that hazardous wastes or contaminated soil meet treatment standards before they can be land disposed. These include, but are not limited to, case-by-case extensions under Section 728.105, disposal in a no-migration unit under Section 728.106, or a national capacity this Part. If a generator's waste is so exempt, then with the variation or case-by-case capacity variance under 728 Subpart C of this Part. If a generator's waste is so exempt, then with the initial shipment of waste, the generator shall send a one-time written notice to each land disposal facility receiving the waste. The notice must include the information indicated in column "728.107(a)(4)" of the Generator Paperwork Requirements Table in Table I of this Part. If the waste changes, the generator shall send a new notice to the receiving facility, and place a copy in its file.

5) If a generator is managing and treating prohibited waste or contaminated soil in tanks, containers, or containment buildings regulated under 35 Ill. Adm. Code 722.134 to meet applicable LDR treatment standards found at Section 728.140, the generator shall develop and follow a written waste analysis plan that describes the procedures it will carry out to comply with the treatment standards. (Generators treating hazardous debris under the alternative treatment standards of Table F of this Part, however, are not subject to these waste analysis requirements.) The plan must be kept on site in the generator's records, and the following requirements must be met:

A) The waste analysis plan must be based on a detailed chemical and physical analysis of a representative sample of the prohibited wastes being treated, and contain all information necessary to treat the wastes in accordance with the requirements of this Part, including the selected testing frequency;

B) Such plan must be kept in the facility's on-site files and made available to inspectors; and

C) Wastes shipped off-site pursuant to this subsection (a)(5) of this Section must comply with the notification requirements of subsection (a)(3) of this Section.

6) If a generator determines that the waste or contaminated soil is restricted based solely on its knowledge of the waste, all supporting data used to make this determination must be retained on-site in the generator's files. If a generator determines that the waste is restricted based on testing this waste or an extract developed using the SW-846 Method 1311 (the Toxicity Characteristic Leaching Procedure), incorporated by reference in 35 Ill. Adm. Code 720.111, and all waste analysis data must be

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retained on-site in the generator's files.

7) If a generator determines that it is managing a prohibited waste which is excluded from the definition of hazardous or solid waste or which is exempt from Subtitle C regulation under 35 Ill. Adm. Code 721.102 through 721.106 subsequent to the point of generation (including deactivated characteristic hazardous wastes that are managed in wastewater treatment systems subject to the CWA as specified at 35 Ill. Adm. Code 721.104(a)(2); that are CWA-equivalent; or that are managed in an underground injection well regulated under 35 Ill. Adm. Code 730), the generator shall place a one-time notice stating such generation, subsequent exclusion from the definition of hazardous or solid waste or exemption from RCRA Subtitle C regulation, and the disposition of the waste in the generating facility's on-site file.

8) A generator shall retain a copy of all notices, certifications, waste analysis data, and other documentation produced pursuant to this Section on-site for at least three years from the date that the waste that is the subject of such documentation was last sent to on-site or off-site treatment, storage, or disposal. The three year record retention period is automatically extended during the course of any unresolved enforcement action regarding the regulated activity or as requested by the Agency. The requirements of this subsection (a)(8) apply to solid wastes even when the hazardous characteristic is removed prior to disposal, or when the waste is excluded from the definition of hazardous or solid waste under 35 Ill. Adm. Code 721.102 through 721.106, or exempted from RCRA Subtitle C regulation, subsequent to the point of generation.

9) If a generator is managing a lab pack containing hazardous wastes and wishes to use the alternative treatment standard for lab packs found at Section 728.142(c), the generator shall fulfill the following conditions:

A) With the initial shipment of waste to a treatment facility, the generator shall submit a notice that provides the information in column "Section 728.107(a)(9)" in the Generator Paperwork Requirements Table of Table I of this Part and the following certification. The certification, which must be signed by an authorized representative and must be placed in the generator's files, must say the following:

I certify under penalty of law that I personally have examined and am familiar with the waste and that the lab pack contains only wastes that have not been excluded under 35 Ill. Adm. Code 728-Appendix D and that this lab pack will be sent to a combustion facility in compliance with the alternative treatment standards for lab packs at 35 Ill. Adm. Code 728.142(c). I am aware that there are significant

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penalties for submitting a false certification, including the possibility of fine or imprisonment.

B) No further notification is necessary until such time as the wastes in the lab pack change, or the receiving facility changes, in which case a new notice and certification must be sent and a copy placed in the generator's file.

C) If the lab pack contains characteristic hazardous wastes (D001-D043), underlying hazardous constituents (as defined in Section 728.102(1)) need not be determined.

D) The generator shall also comply with the requirements in subsections (a)(6) and (a)(7) of this Section.

10) Small quantity generators with tolling agreements pursuant to 35 Ill. Adm. Code 722.120(e) shall comply with the applicable notification and certification requirements of subsection (a) of this Section for the initial shipment of the waste subject to the agreement. Such generators shall retain on-site a copy of the notification and certification, together with the tolling agreement, for at least three years after termination or expiration of the agreement. The three-year record retention period is automatically extended during the course of any unresolved enforcement action regarding the regulated activity or as requested by the Agency.

b) The owner or operator of a treatment facility shall test its wastes according to the frequency specified in its waste analysis plan, as required by 35 Ill. Adm. Code 724.113 (for permitted TSDs) or 725.113 (for interim status facilities). Such testing must be performed as provided in subsections (b)(1), (b)(2), and (b)(3) of this Section.

1) For wastes or contaminated soil with treatment standards expressed in the waste extract (TCEP), the owner or operator of the treatment facility shall test an extract of the treatment residues using SW-846 Method 1311 (the Toxicity Characteristic Leaching Procedure), incorporated by reference in 35 Ill. Adm. Code 720.111 to assure that the treatment residues extract meets the applicable treatment standards.

2) For wastes or contaminated soil with treatment standards expressed as concentrations in the waste, the owner or operator of the treatment facility shall test the treatment residues (not an extract of such residues) to assure that the treatment residues meet the applicable treatment standards.

3) A one-time notice must be sent with the initial shipment of waste or contaminated soil to the land disposal facility. A copy of the notice must be placed in the treatment facility's file.

A) No further notification is necessary until such time that the waste or receiving facility changes, in which case a new notice must be sent and a copy placed in the treatment facility's file.

B) The one-time notice must include the requirements indicated

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in the following table:

Treatment Facility Paperwork Requirements Table

Section 728.107(b)

Required information

1.	USEPA hazardous waste number and manifest number of first shipment.	X
2.	The waste is subject to the LDRs. F001-through F005 and F039 waste and underlying hazardous constituents in characteristic wastes, unless the waste will be treated and monitored for all constituents. If all constituents will be treated and monitored, there is no need to put them all on the LDR notice.	X
3.	The notice must include the applicable wastewater/nonwastewater category (see Section 728.102(d) and (f)) and subdivisions made within a waste code based on waste-specific criteria (such as D003 reactive cyanide).	X
4.	Waste analysis data (when available).	X
5.	For contaminated soil subject to LDRs as provided in Section 728.149(a), the constituents subject to treatment as described in Section 728.149(d) and the following statement, "this contaminated soil (does/does not) contain listed hazardous waste and (does/does not) exhibit a characteristic of hazardous waste and (is subject to/complies with) the soil treatment standards as provided by Section 728.149(c).	X
6.	A certification statement is needed (see applicable Section for exact wording).	X

4) The owner or operator of a treatment facility shall submit a certification signed by an authorized representative with the initial shipment of waste or treatment residue of a restricted waste to the land disposal facility. The certification must state as follows:

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I certify under penalty of law that I have personally examined and am familiar with the treatment technology and operation of the treatment process used to support this certification. Based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the treatment process has been operated and maintained properly so as to comply with the treatment standards specified in 35 Ill. Adm. Code 728.140 without impermissible dilution of the prohibited waste. I am aware there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

A certification is also necessary for contaminated soil and it must state:

I certify under penalty of law that I have personally examined and am familiar with the treatment technology and operation of the treatment process used to support this certification and believe that it has been maintained and operated properly so as to comply with treatment standards specified in 35 Ill. Adm. Code 728.149 without impermissible dilution of the prohibited wastes. I am aware there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

A) A copy of the certification must be placed in the treatment facility's on-site files. If the waste or treatment residue changes, or the receiving facility changes, a new certification must be sent to the receiving facility, and a copy placed in the treatment facility's file.

B) Debris excluded from the definition of hazardous waste under 35 Ill. Adm. Code 721.103(e) (i.e., debris treated by extraction or destruction technology listed in Table F of this Part and debris that the Agency has determined does not contain hazardous waste) is subject to the notification and certification requirements of subsection (d) of this Section rather than the certification requirements of this subsection (b)(4).

C) For wastes with organic constituents having treatment standards expressed as concentration levels, if compliance with the treatment standards is based in part or in whole on the analytical detection limit alternative specified in Section 728.140(d), the certification must be signed by an authorized representative and must state the following:

I certify under penalty of law that I have personally examined and am familiar with the treatment technology

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and operation of the treatment process used to support this certification. Based on my inquiry of those individuals immediately responsible for obtaining this information, I believe that the nonwastewater organic constituents have been treated by combustion units as specified in 35 Ill. Adm. Code 728.149. I have been unable to detect the nonwastewater organic constituents, despite having used best good faith efforts to analyze for such constituents. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

- D) For characteristic wastes that are subject to the treatment standards in Section 728.140 and Table T of this Part (other than those expressed as a required method of treatment) **that are reasonably expected to or Section 728.149 and which contain underlying hazardous constituents as defined in 35 Ill. Adm. Code 728.102(i); if these wastes that are treated on-site to remove the hazardous characteristic; and that are then sent off-site for treatment of underlying hazardous constituents, the certification must state the following:**

I certify under penalty of law that the waste has been treated in accordance with the requirements of 35 Ill. Adm. Code 728.140 and Table T of Section 728.149 of that Part to remove the hazardous characteristic. The decharacterized waste contains underlying hazardous constituents that require further treatment to meet universal treatment standards. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

- E) For characteristic wastes that contain underlying hazardous constituents as defined in Section 728.102(i) that are treated on-site to remove the hazardous characteristic and to treat underlying hazardous constituents to levels in Sections 728.148 and Table U of this Part universal treatment standards, the certification must state the following:

I certify under penalty of law that the waste has been treated in accordance with the requirements of 35 Ill. Adm. Code 728.140 and Table T of that Part to remove the hazardous characteristic and that underlying hazardous constituents, as defined in 35 Ill. Adm. Code 728.102(i) have been treated on-site to meet the

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35 Ill. Adm. Code 728.148 and Table U of that Part universal treatment standards. I am aware that there are significant penalties for submitting a false certification, including the possibility of fine and imprisonment.

- 5) If the waste or treatment residue will be further managed at a different treatment, storage, or disposal facility, the treatment, storage, or disposal facility sending the waste or treatment residue off-site must comply with the notice and certification requirements applicable to generators under this Section.
- 6) Where the wastes are recyclable materials used in a manner constituting disposal subject to the provisions of 35 Ill. Adm. Code 726.120(b), regarding treatment standards and prohibition levels, the owner or operator of a treatment facility (i.e., the recycler) is not required to notify the receiving facility pursuant to subsection (b)(3) of this Section. With each shipment of such wastes the owner or operator of the recycling facility shall submit a certification described in subsection (b)(4) of this Section and a notice that includes the information listed in subsection (b)(3) of this Section (except the manifest number) to the Agency. The recycling facility also shall keep records of the name and location of each entity receiving the hazardous waste-derived product.
- c) Except where the owner or operator is disposing of any waste that is a recyclable material used in a manner constituting disposal pursuant to 35 Ill. Adm. Code 726.120(b), the owner or operator of any land disposal facility disposing any waste subject to restrictions under this Part shall:
- 1) Maintain in its files copies of the notice and certifications specified in subsection (a) or (b) of this Section.
 - 2) Test the waste, or an extract of the waste or treatment residue developed, using SW-846 Method 1311 (the Toxicity Characteristic Leaching Procedure), incorporated by reference in 35 Ill. Adm. Code 720.111, to assure that the waste or treatment residue is in compliance with the applicable treatment standards set forth in Subpart D of this Part. Such testing must be performed according to the frequency specified in the facility's waste analysis plan as required by 35 Ill. Adm. Code 724.113 or 725.113.
 - 3) Where the owner or operator is disposing of any waste that is subject to the prohibitions under Section 728.133(f) but not subject to the prohibitions set forth in Section 728.132, the owner or operator shall ensure that such waste is the subject of a certification according to the requirements of Section 728.108 prior to disposal in a landfill or surface impoundment unit, and that such disposal is in accordance with the requirements of Section 728.105(h)(2). The same requirement applies to any waste

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that is subject to the prohibitions under Section 728.133(f) and also is subject to the statutory prohibitions in the codified prohibitions in Section 728.139 or Section 728.132.

- 4) Where the owner or operator is disposing of any waste that is a recyclable material used in a manner constituting disposal subject to the provisions of 35 Ill. Adm. Code 726.120(b), the owner or operator is not subject to subsections (c)(1) through (c)(3) of this Section with respect to such waste.

- d) A generator or treater that first claims that hazardous debris is excluded from the definition of hazardous waste under 35 Ill. Adm. Code 721.103(e) (i.e., debris treated by an extraction or destruction technology provided by Table F of this Part, and debris that has been delisted) is subject to the following notification and certification requirements:

- 1) A one-time notification must be submitted to the Agency including the following information:

- A) The name and address of the RCRA Subtitle D (municipal solid waste landfill) facility receiving the treated debris;
- B) A description of the hazardous debris as initially generated, including the applicable USEPA hazardous waste numbers; and
- C) For debris excluded under 35 Ill. Adm. Code 721.103(e)(1), the technology from Table F of this Part used to treat the debris.

- 2) The notification must be updated if the debris is shipped to a different facility and, for debris excluded under 35 Ill. Adm. Code 721.102(e)(1), if a different type of debris is treated or if a different technology is used to treat the debris.

- 3) For debris excluded under 35 Ill. Adm. Code 721.103(e)(1), the owner or operator of the treatment facility shall document and certify compliance with the treatment standards of Table F of this Part, as follows:

- A) Records must be kept of all inspections, evaluations, and analyses of treated debris that are made to determine compliance with the treatment standards;
- B) Records must be kept of any data or information the treater obtains during treatment of the debris that identifies key operating parameters of the treatment unit; and
- C) For each shipment of treated debris, a certification of compliance with the treatment standards must be signed by an authorized representative and placed in the facility's files. The certification must state the following:

I certify under penalty of law that the debris has been treated in accordance with the requirements of 35 Ill. Adm. Code 728.143. I am aware that there are significant penalties for making a false certification, including the possibility of fine and imprisonment.

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- e) A generator or treater that first receives a determination from USEPA or the Agency that a given contaminated soil subject to LDRLs, as provided in Section 728.149(a), no longer contains a listed hazardous waste and generators and treaters that first determine that a contaminated soil subject to LDRLs, as provided in Section 728.149(a), no longer exhibits a characteristic of hazardous waste shall do the following:

- 1) Prepare a one-time only documentation of these determinations including all supporting information; and
- 2) Maintain that information in the facility files and other records for a minimum of three years.

(Source: Amended, July 26, 1985, 23 Ill. Reg. 92-04, effective _____)

Section 728.109 Special Rules for Characteristic Wastes

- a) The initial generator of a solid waste shall determine each USEPA hazardous waste number (waste code) applicable to the waste in order to determine the applicable treatment standards under Subpart D of this Part. For purposes of this Part, the waste must carry the waste code for any applicable listing under 35 Ill. Adm. Code 721.Subpart D. In addition, the waste must carry one or more of the waste codes under 35 Ill. Adm. Code 721.Subpart C where the waste exhibits a characteristic, except in the case when the treatment standard for the listed waste operates in lieu of the treatment standard for the characteristic waste, as specified in subsection (b) of this Section. If the generator determines that its waste displays a characteristic of hazardous waste (and the waste is not D001 nonwastewaters treated by CMBST, RONGS, or POLYM of Section 728.Table C, the generator shall determine the underlying hazardous constituents (as defined at Section 728.102(i)) in the characteristic waste.

- b) Where a prohibited waste is both listed under 35 Ill. Adm. Code 721.Subpart D and exhibits a characteristic under 35 Ill. Adm. Code 721.Subpart C, the treatment standard for the waste code listed in 35 Ill. Adm. Code 721.Subpart D will operate in lieu of the standard for the waste code under 35 Ill. Adm. Code 721.Subpart C, provided that the treatment standard for the listed waste includes a treatment standard for the constituent that causes the waste to exhibit the characteristic. Otherwise, the waste must meet the treatment standards for all applicable listed and characteristic waste codes.
- c) In addition to any applicable standards determined from the initial point of generation, no prohibited waste that exhibits a characteristic under 35 Ill. Adm. Code 721.Subpart C shall be land disposed unless the waste complies with the treatment standards under Subpart D of this Part.
- d) A waste that exhibits a characteristic is also subject to Section 728.107 requirements, except that once the waste is no longer

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hazardous, a one-time notification and certification must be placed in the generator's or treater's files and sent to the Agency, except for those facilities described in subsection (f) of this Section below. The notification and certification that is placed in the generator's or treater's files must be updated if the process or operation generating the waste changes or if the RCRA Subtitle D (municipal solid waste landfill) facility receiving the waste changes. However, the generator or treater need only notify the Agency on an annual basis if such changes occur. Such notification and certification should be sent to the Agency by the end of the year, but no later than December 31.

1) The notification must include the following information:

- The name and address of the RCRA Subtitle D (municipal solid waste landfill) facility receiving the waste shipment; and
- A description of the waste as initially generated, including the applicable USEPA hazardous waste numbers, the treatability group(s), and the underlying hazardous constituents (as defined in Section 728.102(i)), unless the waste will be treated and monitored for all underlying hazardous constituents. If all underlying hazardous constituents will be treated and monitored, there is no requirement to list any of the underlying hazardous constituents on the notice.

2) The certification must be signed by an authorized representative and must state the language found in Section 728.107(b)(4). If treatment removes the characteristic but does not meet standards applicable to underlying hazardous constituents, then the certification found in Section 728.107(b)(4)(D) applies.

3) For a characteristic waste whose ultimate disposal will be into a Class I nonhazardous waste injection well, and for which compliance with the treatment standards set forth in Sections 728.148 and 728.149 for underlying hazardous constituents is achieved through pollution prevention that meets the criteria set forth at 35 Ill. Adm. Code 738.101(d), the following information must also be included:

- A description of the pollution prevention mechanism and when it was implemented if already complete;
- The mass of each underlying hazardous constituent before pollution prevention;
- The mass of each underlying hazardous constituent that must be removed, adjusted to reflect variations in mass due to normal operating conditions; and
- The mass reduction of each underlying hazardous constituent that is achieved.

e) For a decharacterized waste managed on-site in a wastewater treatment system subject to the federal Clean Water Act (CWA) or zero-dischargers engaged in CWA-equivalent treatment, compliance with the treatment standards set forth in Sections 728.148 and 728.149

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must be monitored quarterly, unless the treatment is aggressive biological treatment, in which case compliance must be monitored annually. Monitoring results must be kept in on-site files for 5 years.

f) For a decharacterized waste managed on-site in a wastewater treatment system subject to the federal Clean Water Act (CWA) for which all underlying hazardous constituents (as defined in Section 728.102) are addressed by a CWA permit, this compliance must be documented and this documentation must be kept in on-site files.

g) For a characteristic waste whose ultimate disposal will be into a Class I nonhazardous waste injection well that qualified for the de minimis exclusion described in Section 728.101, information supporting that qualification must be kept in on-site files.

(Source: Amended at 23 Ill. Reg. 92.04, effective JUL 26 1999.)

SUBPART C: PROHIBITION ON LAND DISPOSAL

Section 728.139 Waste-Specific Prohibitions: End-of-pipe-CWA, CWA-Equivalent, and--Class-I--Nonhazardous--Waste--Injection--Well--Treatment--Standard--Spent Aluminum Potliners, and Carbamate Wastes

a) The wastes specified in 35 Ill. Adm. Code 721.132 as USEPA Hazardous Waste numbers R156-K159 and K161; and in 35 Ill. Adm. Code 721.133 as USEPA hazardous waste numbers P127, P128, P185, P188 through P192, P194, P196 through P199, P201 through P205, U271, U278 through U280, U364, U367, U372, U373, U387, U389, U394, U404, and U409 through U411 are prohibited from land disposal. In addition, soil and debris contaminated with these wastes are prohibited from land disposal.

b) The wastes identified in 35 Ill. Adm. Code 721.123 as USEPA hazardous waste number D003 are prohibited from land disposal, other than those that are managed in a system whose discharge is regulated under 35 Ill. Adm. Code: Subtitle C, one that injects hazardous waste in Class I waste injection well regulated under 35 Ill. Adm. Code 702.704, and 730, or one that is a zero discharger that engages in federal Clean Water Act (CWA)-equivalent treatment before ultimate land disposal. This prohibition does not apply to unexploded ordnance and other explosive devices that have been the subject of an emergency response. (Such D003 wastes are prohibited unless they meet the treatment standard of D003 before land disposal (see Section 728.140)).

c) The wastes specified in 35 Ill. Adm. Code 721.132 as USEPA hazardous waste number K088 are prohibited from land disposal. In addition, soil and debris contaminated with these wastes are prohibited from land disposal.

d) Radioactive Effective April 8, 1999,--radioactive wastes mixed with waste designated by any of USEPA hazardous waste numbers K088, K156 through K159, K161, P127, P128, P185, P188 through P192, P194, P196

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through P199, P201 through P205, U271, U278 through U280, U354, U367, U372, U373, U387, U389, U394, U395, U404, and U409 through U411 are prohibited from land disposal. In addition, soil and debris contaminated with these radioactive mixed wastes are prohibited from land disposal.

- e) This subsection corresponds with 40 CFR 268.39(e), which expired by its own terms after April 8, 1998. This statement maintains structural parity with the federal regulations. ~~Until April 8, 1998, the wastes included in subsections (a)-(b), (c), and (d) of this Section may be disposed in a landfill or surface impoundment only if such unit complies with the requirements of Section 728.105(h)(7).~~
- f) The requirements of subsections (a), (b), (c), and (d) of this Section do not apply if:

- 1) The wastes meet the applicable treatment standards specified in Subpart D of this Part;
 - 2) The person conducting the disposal has been granted an exemption from a prohibition under a petition pursuant to Section 728.106, with respect to those wastes and units covered by the petition;
 - 3) The wastes meet the applicable alternative treatment standards established pursuant to a petition granted under Section 728.144; or
 - 4) The person conducting the disposal has been granted an extension to the effective date of a prohibition pursuant to Section 728.105, with respect to those wastes covered by the extension.
- g) To determine whether a hazardous waste identified in this Section exceeds the applicable treatment standards set forth in Section 728.140, the initial generator ~~shall~~ must test a sample of the waste extract or the entire waste, depending on whether the treatment standards are expressed as concentrations in the waste extract or in the waste, or the generator may use knowledge of the waste. If a waste contains constituents in excess of the applicable 728.140 Subpart D levels, the waste is prohibited from land disposal and all requirements of this Part are applicable to the waste, except as otherwise specified.

(Source: Amended at 23 Ill. Reg. 92 0 4, effective Jul 26 1999.)

SUBPART D: TREATMENT STANDARDS

Section 728.140 Applicability of Treatment Standards

- a) A prohibited waste identified in Table T of this Part, "Treatment Standards for Hazardous Wastes", may be land disposed only if it meets the requirements found in that Table Section. For each waste, Table T identifies one of three types of treatment standard requirements:

- 1) All hazardous constituents in the waste or in the treatment residue must be at or below the values found in Table T of this

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- Part ~~that~~ Section for that waste ("total waste standards");
- 2) The hazardous constituents in the extract of the waste or in the extract of the treatment residue must be at or below the values found in Table T of this Part ~~that~~ Section ("waste extract standards"); or
 - 3) The waste must be treated using the technology specified in Table T of this Part ~~that~~ Section ("technology standard"), which is described in detail in Table C of this Part, "Technology Codes and Description of Technology-Based Standards".

- b) For wastewaters, compliance with concentration level standards is based on maximums for any one day, except for D004 through D011 wastes for which the previously promulgated treatment standards based on grab samples remain in effect. For all nonwastewaters, compliance with concentration level standards is based on grab sampling. For wastes covered by the waste extract standards, the test Method 1311, the Toxicity Characteristic Leaching Procedure, found in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication SW-846, incorporated by reference in Section 720.111, must be used to measure compliance. An exception is made for D004 and D008, for which either of two test methods may be used: Method 1311 or Method 1310, the Extraction Procedure Toxicity Test, found in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication SW-846, incorporated by reference in Section 720.111. For wastes covered by a technology standard, the wastes may be land disposed after being treated using that specified technology or an equivalent treatment technology approved by the Agency pursuant to Section 728.142(b).

- c) When wastes with differing treatment standards for a constituent of concern are combined for purposes of treatment, the treatment residue must meet the lowest treatment standard for the constituent of concern.

- d) Notwithstanding the prohibitions specified in subsection (a) of this Section, treatment and disposal facilities may demonstrate (and certify pursuant to 35 Ill. Adm. Code 728.107(b)(5)) compliance with the treatment standards for organic constituents specified by a footnote in Table T of this Part, provided the following conditions are satisfied:

- 1) The treatment standards for the organic constituents were established based on incineration in units operated in accordance with the technical requirements of 35 Ill. Adm. Code 724. Subpart O, or based on combustion in fuel substitution units operating in accordance with applicable technical requirements;
- 2) The treatment or disposal facility has used the methods referenced in subsection (d)(1) of this Section to treat the organic constituents; and
- 3) The treatment or disposal facility may demonstrate compliance with organic constituents if good-faith analytical efforts achieve detection limits for the regulated organic constituents

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that do not exceed the treatment standards specified in this Section and Table T of this Part by an order of magnitude.

- e) For a characteristic waste (USEPA hazardous waste number D001 through D043) that is subject to treatment standards set forth in Table T of this Part, "Treatment Standards for Hazardous Wastes", and the waste is not managed in a wastewater treatment system that is either regulated under the Clean Water Act (CWA) or one that is either CWA-equivalent or the waste is injected into a Class I non-hazardous nonhazardous deep injection well, all underlying hazardous constituents (as defined in Section 728.102(f)) must meet the universal treatment standards, set forth in Table U of this Part prior to land disposal, as defined in Section 728.102(f).

- f) The treatment standards for USEPA hazardous waste numbers F001 through F005 nonwastewater constituents carbon disulfide, cyclohexanone, or methanol apply to wastes that contain only one, two, or three of these constituents. Compliance is measured for these constituents in the waste extract from test Method 1311, the Toxicity Characteristic Leaching Procedure found in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication SW-846, incorporated by reference in Section 720.111. If the waste contains any of these three constituents along with any of the other 25 constituents found in USEPA hazardous waste numbers F001 through F005, then compliance with treatment standards for carbon disulfide, cyclohexanone, or methanol are not required.

- g) This subsection corresponds with 40 CFR 268.40(g), added at 61 Fed. Reg. 43927 (Aug. 26, 1996), which has expired. This statement maintains structural consistency with the federal rules.

- h) Prohibited USEPA hazardous waste numbers D004 through D011, mixed radioactive wastes, and mixed radioactive listed wastes containing metal constituents that were previously treated by stabilization to the treatment standards in effect at that time and then put into storage do not have to be re-treated to meet treatment standards in this Section prior to land disposal.

- i) Zinc micronutrient zinc-containing fertilizers that are produced for the use of the general public and which are produced from or contain recycled characteristic hazardous wastes (D004 through D011) are subject to the applicable treatment standards set forth in 40 CFR 268.41 (1990), incorporated by reference in 35 Ill. Adm. Code 720.111(b).

BOARD NOTE: USEPA added 40 CFR 268.40(i) at 63 Fed. Reg. 46331 (Aug. 31, 1998) to state the Phase IV land disposal restrictions (LDRs) as they apply to zinc-containing fertilizers while it develops a more comprehensive set of regulations applicable to use of hazardous waste in making fertilizers. To effect the stay, USEPA applied the 1990 LDR standards to the affected materials.

- ii) The treatment standards for the wastes specified in 35 Ill. Adm. Code 721.133 as USEPA hazardous waste numbers P185, P191, P192, U364, U394, and U395 may be satisfied by either meeting the constituent

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concentrations presented in Table T of this Part, "Treatment Standards for Hazardous Wastes," or by treating the waste by the following technologies: combustion, as defined by the technology code of CMBS1 at Table C, for nonwastewaters, and biodegradation, as defined by the technology code B10DG; carbon adsorption, as defined by the technology code CABB; chemical oxidation, as defined by the technology code CROX; or combustion, as defined as technology code CMBS1 at Table C, for wastewaters.

BOARD NOTE: USEPA added a second 40 CFR 268.40(i) at 63 Fed. Reg. 46115 (SEP. 4, 1998) to indefinitely extend the alternative treatment standards for seven carbonate wastes. The Board has incorporated this later-adopted duplicate subsection (i) as subsection (ii).

(Source: Amended at 23 Ill. Reg. 9204, effective 11/11/94)

Section 728.149 Alternative LDR Treatment Standards for Contaminated Soil

- a) Applicability. An owner or operator shall comply with LDRs prior to placing soil that exhibits a characteristic of hazardous waste or which exhibited a characteristic of hazardous waste at the time it was generated into a land disposal unit. The following chart describes whether an owner or operator must comply with LDRs prior to placing soil contaminated by listed hazardous waste into a land disposal unit:

If the LDRs	And if the LDRs	And if	Then the owner or operator
Applied to the listed waste when it is contaminated	Apply to the listed waste now.	-	Must comply with LDRs.
Did not apply to the listed waste when it is contaminated	Apply to the listed waste now.	The soil is determined to contain the listed waste when the soil is first generated.	Must comply with LDRs.
Did not apply to the listed waste when it is contaminated	Apply to the listed waste now.	The soil is determined to contain the listed waste when the soil is first generated.	Needs not comply with LDRs.

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Did not apply Do not apply to the listed waste when it is now contaminated the soil*.

- Needs not comply with LDRs.

* For dates of LDR applicability, see Appendix G of this Part. To determine the date any given listed hazardous waste contaminated any given volume of soil, use the last date any given listed hazardous waste was placed into any given land disposal unit or, in the case of an accidental spill, the date of the spill.

b) Prior to land disposal, contaminated soil identified by subsection (a) of this Section as needing to comply with LDRs must be treated according to the applicable treatment standards specified in subsection (c) of this Section or according to the universal treatment standards specified in Section 728.148 and Table U of this Part applicable to the contaminating listed hazardous waste or the applicable characteristic of hazardous waste if the soil is characteristic. The treatment standards specified in subsection (c) of this Section and the universal treatment standards may be modified through a treatment variance approved in accordance with Section 728.144.

c) Treatment standards for contaminated soils. Prior to land disposal, contaminated soil identified by subsection (a) of this Section as needing to comply with LDRs must be treated according to all the standards specified in this subsection or according to the universal treatment standards specified in Section 728.148 and Table U of this Part.

1) All soils. Prior to land disposal, all constituents subject to treatment must be treated as follows:

- A) For non-metals, treatment must achieve 90 percent reduction in total constituent concentrations, except as provided by subsection (c)(1)(C) of this Section.
- B) For metals, treatment must achieve 90 percent reduction in constituent concentrations as measured in leachate from the treated media (tested according to the TCLP) or 90 percent reduction in total constituent concentrations (when a metal removal treatment technology is used), except as provided by subsection (c)(1)(C) of this Section.
- C) When treatment of any constituent subject to treatment to a 90 percent reduction standard would result in a concentration less than 10 times the universal treatment standard for that constituent, treatment to achieve constituent concentrations less than 10 times the universal treatment standard is not required. The universal treatment standards are identified in Table U of this Part.
- 2) Soils that exhibit the characteristic of ignitability,

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corrosivity or reactivity. In addition to the treatment required by subsection (c)(1) of this Section, prior to land disposal, soils that exhibit the characteristic of ignitability, corrosivity, or reactivity must be treated to eliminate these characteristics.

3) Soils that contain nonhazardous constituents. In addition to the treatment requirements of subsections (c)(1) and (c)(2) of this Section, prior to land disposal, the following treatment is required for soils that contain nonhazardous constituents:

- A) For soil that also contains only analyzable and nonanalyzable organic constituents, treatment of the these analyzable organic constituents to the levels specified in subsections (c)(1) and (c)(2) of this Section; or
- B) For soil that contains only nonanalyzable constituents, treatment by the methods ~~method~~ specified in Section 728.142 for the waste contained in the soil.

d) Constituents subject to treatment. When applying the soil treatment standards in subsection (c) of this Section, constituents subject to treatment are any constituents listed in Table U of this Part universal treatment standards that are reasonably expected to be present in any given volume of contaminated soil, except fluoride, selenium, sulfides, vanadium and zinc, and are present at concentrations greater than ten times the universal treatment standard.

e) Management of treatment residuals. Treatment residuals from treating contaminated soil identified by subsection (a) of this Section as needing to comply with LDRs must be managed as follows:

- 1) Soil residuals are subject to the treatment standards of this Section;

2) Non-soil residuals are subject to the following requirements:

- A) For soils contaminated by listed hazardous waste, the RCRA Subtitle C standards applicable to the listed hazardous waste; and
- B) For soils that exhibit a characteristic of hazardous waste, if the non-soil residual also exhibits a characteristic of hazardous waste, the treatment standards applicable to the characteristic hazardous waste.

(Source: Amended at 23 Ill. Reg. 92-04, effective July 26, 1992)

SUBPART E: PROHIBITIONS ON STORAGE

Section 728.150 Prohibitions on Storage of Restricted Wastes

- a) Except as provided in this Section, the storage of hazardous wastes restricted from land disposal under Subpart C of this Part is prohibited, unless the following conditions are met:

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1) A generator stores such wastes in tanks, containers or containment buildings on-site solely for the purpose of the accumulation of such quantities of hazardous waste as necessary to facilitate proper recovery, treatment or disposal and the generator complies with the requirements in 35 Ill. Adm. Code 722.134 and 35 Ill. Adm. Code 724 and 725. (A generator that who is in existence on the effective date of a regulation under this Part and which who must store hazardous wastes for longer than 90 days due to the regulations under this Part becomes an owner or operator of a storage facility and shall must obtain a RCRA permit, as required by 35 Ill. Adm. Code 703. Such a facility may qualify for interim status upon compliance with the regulations governing interim status under 35 Ill. Adm. Code 703.153).

2) An owner or operator of a hazardous waste treatment, storage, or disposal facility stores such wastes in tanks, containers, or containment buildings solely for the purpose of the accumulation of such quantities of hazardous waste as necessary to facilitate proper recovery, treatment, or disposal and each of the following conditions are fulfilled:

A) Each container is clearly marked to identify its contents and the date each period of accumulation begins; and
B) Each tank is clearly marked with a description of its contents, the quantity of each hazardous waste received and the date each period of accumulation begins, or such information is recorded and maintained in the operating record at the facility. Regardless of whether the tank itself is marked, the operating record requirements of 35 Ill. Adm. Code 724.173 or 725.173.
3) A transporter stores manifested shipments of such wastes at a transfer facility for 10 days or less.

b) An owner or operator of a treatment, storage or disposal facility may store such wastes for up to one year unless the Agency can demonstrate that such storage was not solely for the purpose of accumulation of such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment, or disposal.

c) An owner or operator of a treatment, storage, or disposal facility may store such wastes beyond one year; however, the owner or operator bears the burden of proving that such storage was solely for the purpose of accumulation of such quantities of hazardous waste as are necessary to facilitate proper recovery, treatment, or disposal.

d) If a generator's waste is exempt from a prohibition on the type of land disposal utilized for the waste (for example, because of an approved case-by-case extension under 40 CFR 268.5, incorporated by reference in section 728.105, an approved Section 728.106 petition or a national capacity variance under 40 CFR 269, Subpart C), the prohibition in subsection (a) does not apply during the period of such exemption.

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e) The prohibition in subsection (a) does not apply to hazardous wastes that meet the treatment standards specified under Sections 728.141, 728.142 and 728.143 or the adjusted treatment standards specified under Section 728.144, or, where treatment standards have not been specified, the waste is in compliance with the applicable prohibitions specified in Section 728.132 or 728.139.

f) Liquid hazardous wastes containing PCBs at concentrations greater than or equal to 50 ppm must be stored at a facility that meets the requirements of 40 CFR 761.65(b), incorporated by reference in 35 Ill. Adm. Code 720.111, and must be removed from storage and treated or disposed as required by the Part within one year of the date when such wastes are first placed into storage. The provisions of subsection (c) of this Section above do not apply to such PCB wastes prohibited under Section 728.132.

g) The prohibition and requirements in this Section do not apply to hazardous remediation wastes stored in a staging pile approved pursuant to 35 Ill. Adm. Code 724.654.

(Source: Amended at 23 Ill. Reg. 92-04-2, effective JUL 26 1990)

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Section 728. TABLE I Generator Paperwork Requirements

Subsection of Section 728.107 under

Which the Paperwork Is Required:

(a)(2) (a)(3) (a)(4) (a)(5)

Required information

1. USEPA hazardous waste numbers and manifest numbers of first shipment
2. Statement: this waste is not prohibited from land disposal

3. The waste is subject to the LDRs. The constituents of concern for USEPA hazardous waste numbers F001 through F005 and F039 waste, and underlying hazardous constituents in characteristic waste, unless the waste will be treated and monitored for all constituents. If all constituents will be treated and monitored, there is no need to put them all on the LDR notice

4. The notice must include the applicable wastewater/nonwastewater category (see Section 728.102(d) and (f)) and subdivisions made within a waste code based on waste-specific criteria (such as D003 reactive cyanide)

5. Waste analysis data (when available)

6. Date the waste is subject to the prohibition

7. For hazardous debris, when treating with the alternative treatment technologies provided by Section 728.145: the contaminants subject to treatment, as described in Section 728.145(b); and an indication that these contaminants are being treated to comply with Section 728.145

8. For contaminated soil subject to LDRs as provided in Section 728.149(a), the constituents subject to treatment as

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described in Section 728.149(d), and the following statement: This contaminated soil (does/does not) contain listed hazardous waste and (does/does not) exhibit a characteristic of hazardous waste and (is subjected to/complies with) the soil treatment standards as provided by Section 728.149(c) or the universal treatment standards

9. A certification is needed (see applicable subsection for exact wording)

BOARD NOTE: Derived from Table 1 to 40 CFR 268.7(a)(4) (1997), as amended at 63 Fed. Reg. 28639 (May 26, 1998).

(Source: Amended July 28, 1999 23)

Ill. Reg. 92-04, effective

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Section 728. TABLE T. Treatment Standards for Hazardous Wastes

Note: The treatment standards that heretofore appeared in tables in Sections 728.141, 728.142, and 728.143 have been consolidated into this table.

Waste Code
Waste Description and Treatment or Regulatory Subcategory (1)

Regulated Hazardous Constituent	Wastewaters	Nonwastewaters
Common Name	CAS(2) Number	Concentration
		in mg/Kg(5) or
		in mg/l(3); or
		less noted as
		"mg/l TCLP";
		Technology
		Code(4)
		Code(4)
D001(9)		
Ignitable Characteristic Wastes, except for the 35 Ill. Adm. Code 721.121(a)(1)		
High TOC Subcategory.		
NA	NA	DEACT and meet
		Section 728.148
		standards;(8) or
		standards;(8) or
		ROGS; or
		CMBST
D001(9)		
High TOC Ignitable Characteristic Liquids Subcategory based on 35 Ill. Adm.		
Code 721.121(a)(1) - Greater than or equal to 10 percent total organic carbon.		
(Note: This subcategory consists of nonwastewaters only.)		
NA	NA	ROGS;
		CMBST; or
		POLIM
D002(9)		
Corrosive Characteristic Wastes.		
NA	NA	DEACT
		and meet
		Section
		728.148
		standards(8)
D002, D004, D005, D006, D007, D008, D010, D011		
Radioactive high level wastes generated during the reprocessing of fuel rods.		
(Note: This subcategory consists of nonwastewaters only.)		
Corrosivity (pH)	NA	HLVIT
Arsenic	7440-38-2	HLVIT

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Barium	7440-39-3	NA	HLVIT
Cadmium	7440-43-9	NA	HLVIT
Chromium (Total)	7440-47-3	NA	HLVIT
Lead	7439-92-1	NA	HLVIT
Mercury	7439-97-6	NA	HLVIT
Selenium	7782-49-2	NA	HLVIT
Silver	7440-22-4	NA	HLVIT
D003(9)			
Reactive Sulfides Subcategory based on 35 Ill. Adm. Code 721.123(a)(5).			
NA	NA	DEACT	DEACT
D003(9)			
Explosive subcategory based on 35 Ill. Adm. Code 721.123(a)(6), (a)(7), and			
(a)(8).			
NA	NA	DEACT and meet	DEACT and meet
		Section	Section
		728.148	728.148
		standards(8)	standards(8)
D003(9)			
Unexploded ordnance and other explosive devices that have been the subject of			
an emergency response.			
NA	NA	DEACT	DEACT
D003(9)			
Other Reactives Subcategory based on 35 Ill. Adm. Code 721.123(a)(1).			
NA	NA	DEACT and meet	DEACT and meet
		Section	Section
		728.148	728.148
		standards(8)	standards(8)
D003(9)			
Water Reactive Subcategory based on 35 Ill. Adm. Code 721.123(a)(2), (a)(3),			
and (a)(4).			
(Note: This subcategory consists of nonwastewaters only.)			
NA	NA	NA	DEACT and meet
			Section
			728.148
			standards(8)
D003(9)			
Reactive Cyanides Subcategory based on 35 Ill. Adm. Code 721.123(a)(5).			
Cyanides (Total)(7)	57-12-5	--	590
Cyanides (Amendable)(7)	57-12-5	0.86	30
D004(9)			
Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity			

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for arsenic based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

Arsenic 7440-38-2 1.4 and meet Section 728.148 standards(8) 5.0 mg/l TCLP and meet Section 728.148 standards(8)

D005(9) Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for barium based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

Barium 7440-39-3 1.2 and meet Section 728.148 standards(8) 21 mg/l TCLP and meet Section 728.148 standards(8)

D006(9) Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for cadmium based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

Cadmium 7440-43-9 .69 and meet Section 728.148 standards(8) .11 mg/l TCLP and meet Section 728.148 standards(8)

D006(9) Cadmium-Containing Batteries Subcategory (Note: This subcategory consists of nonwastewaters only.) NA RTHRM

D007(9) Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for chromium based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

Chromium (Total) 7440-47-3 2.77 and meet Section 728.148 standards(8) 0.60 mg/l TCLP and meet Section 728.148 standards(8)

D008(9) Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for lead based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

Lead 7439-92-1 0.69 and meet Section 728.148 standards(8) 0.75 mg/l TCLP and meet Section 728.148 standards(8)

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standards(8)

D008(9) Lead Acid Batteries Subcategory (Note: This standard only applies to lead acid batteries that are identified as RCRA hazardous wastes and that are not excluded elsewhere from regulation under the land disposal restrictions of this Part or exempted under other regulations (see 35 Ill. Adm. Code 726.180). This subcategory consists of nonwastewaters only.) 7439-92-1 NA RLEAD

D008(9) Radioactive Lead Solids Subcategory

(Note: These lead solids include, but are not limited to, all forms of lead shielding and other elemental forms of lead. These lead solids do not include treatment residuals such as hydroxide sludges, other wastewater treatment residuals, or incinerator ashes that can undergo conventional pozzolanic stabilization, nor do they include organo-lead materials that can be incinerated and stabilized as ash. This subcategory consists of nonwastewaters only.) 7439-92-1 NA MACRO

D009(9) Nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311; and contain greater than or equal to 260 mg/kg total mercury that also contain organics and are not incinerator residues. (High Mercury-Organic Subcategory) 7439-97-6 NA IMERC; or RMERC

Mercury 7439-97-6 NA

D009(9) Nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311; and contain greater than or equal to 260 mg/kg total mercury that are inorganic, including incinerator residues and residues from RMERC. (High Mercury-Inorganic Subcategory) 7439-97-6 RMERC

D009 Nonwastewaters that exhibit, or are expected to exhibit, the characteristic of toxicity for mercury based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311; and contain less than 260 mg/kg total mercury. (Low Mercury Subcategory) 7439-97-6 NA

Mercury 7439-97-6 NA and meet Section 0.20 mg/l TCLP

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D009(9) All D009 Mercury	7439-97-6	NA	0.025 mg/l TCLP and meet Section 728.148 standards(8)	D012(9) Wastes that are TC for Endrin based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311. Endrin	728.148 Standards (8)	BIOGC; or CMBST	0.13 and meet Section 728.148 standards(8)
D009(9) Elemental mercury contaminated with radioactive materials. (Note: This subcategory consists of nonwastewaters only.) Mercury	7439-97-6	NA	0.15 and meet Section 728.148 standards(8)	D013(9) Wastes that are TC for Lindane based on the toxicity leaching procedure (TCLP) in SW-846 Method 1311. alpha-BHC	7421-93-4	BIOGC; or CMBST	0.066 and meet Section 728.148 standards(8)
D009(9) Hydraulic oil contaminated with Mercury Radioactive Materials Subcategory. (Note: This subcategory consists of nonwastewaters only.) Mercury	7439-97-6	NA	0.82	D014(9) Wastes that are TC for Methoxychlor based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311. Methoxychlor	58-89-9	CMBST	0.18 and meet Section 728.148 standards(8)
D010(9) Wastes that exhibit, or are expected to exhibit, the characteristic of toxicity for selenium based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311. Selenium	7782-49-2	0.82	5.7 mg/l TCLP and meet Section 728.148 standards(8)	D015(9) Wastes that are TC for Toxaphene based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311. Toxaphene	728-148	CMBST	0.066 and meet Section 728.148 standards(8)

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D012(9) Wastes that are TC for Endrin based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311. Endrin	728.148 Standards (8)	BIOGC; or CMBST	0.13 and meet Section 728.148 standards(8)
D013(9) Wastes that are TC for Lindane based on the toxicity leaching procedure (TCLP) in SW-846 Method 1311. alpha-BHC	7421-93-4	BIOGC; or CMBST	0.066 and meet Section 728.148 standards(8)
D014(9) Wastes that are TC for Methoxychlor based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311. Methoxychlor	58-89-9	CMBST	0.18 and meet Section 728.148 standards(8)
D015(9) Wastes that are TC for Toxaphene based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311. Toxaphene	728-148	CMBST	0.066 and meet Section 728.148 standards(8)

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procedure (TCLP) in SW-846 Method 1311.

Toxaphene

BIOOG or
CMBST

8001-35-2

2.6

and meet

Section

728.148

standards(8)

D016(9)

Wastes that are TC for 2,4-D (2,4-Dichlorophenoxyacetic acid) based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

2,4-D (2,4-Dichloro-

phenoxyacetic acid)

94-75-7

CHOXD; or

CMBST

10

and meet

Section

728.148

standards(8)

D017(9)

Wastes that are TC for 2,4,5-TP (Silvex) based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

2,4,5-TP (Silvex)

93-72-1

CHOXD or

CMBST

7.9

and meet

Section

728.148

standards(8)

D018(9)

Wastes that are TC for Benzene based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

Benzene

71-43-2

0.14

and meet

Section

728.148

standards(8)

D019(9)

Wastes that are TC for Carbon tetrachloride based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

Carbon tetrachloride

56-23-5

0.057

and meet

Section

728.148

standards(8)

D020(9)

Wastes that are TC for Chlordane based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

Chlordane (alpha and

gamma isomers)

57-74-9

0.0033

and meet

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D021(9)

Wastes that are TC for Chlorobenzene based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

Chlorobenzene

108-90-7

0.057

and meet

Section

728.148

standards(8)

6.0

and meet

Section

728.148

standards(8)

D022(9)

Wastes that are TC for Chloroform based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

Chloroform

67-66-3

0.046

and meet

Section

728.148

standards(8)

6.0

and meet

Section

728.148

standards(8)

D023(9)

Wastes that are TC for o-Cresol based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

o-Cresol

93-48-7

0.11

and meet

Section

728.148

standards(8)

5.6

and meet

Section

728.148

standards(8)

D024(9)

Wastes that are TC for m-Cresol based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

m-Cresol

108-39-4

0.77

and meet

Section

728.148

standards(8)

5.6

and meet

Section

728.148

standards(8)

5.6

and meet

Section

728.148

standards(8)

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- D026(9)
Wastes that are TC for Cresols (Total) based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.
Cresol-mixed isomers 1319-77-3 0.88
and meet 11.2
Section and meet
(Cresylic acid) Section
(sum of o-, m-, and p- 728.148
cresol concentrations) standards(8)
- D027(9)
Wastes that are TC for p-Dichlorobenzene based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.
p-Dichlorobenzene (1,4- 106-46-7 0.090
and meet 6.0
Section and meet
728.148 Section
standards(8)
- D028(9)
Wastes that are TC for 1,2-Dichloroethane based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.
1,2-Dichloroethane 107-06-2 0.21
and meet 6.0
Section and meet
728.148 Section
standards(8)
- D029(9)
Wastes that are TC for 1,1-Dichloroethylene based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.
1,1-Dichloroethylene 75-35-4 0.025
and meet 6.0
Section and meet
728.148 Section
standards(8)
- D030(9)
Wastes that are TC for 2,4-Dinitrotoluene based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.
2,4-Dinitrotoluene 121-14-2 0.32
and meet 140
Section and meet
728.148 Section
standards(8)
- D031(9)
Wastes that are TC for Heptachlor based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

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- Heptachlor 76-44-8 0.0012 and
meet Section
728.148
standards(8)
0.066
and meet
Section
728.148
standards(8)
- Heptachlor epoxide 1024-57-3 0.016
and meet
Section
728.148
standards(8)
- D032(9)
Wastes that are TC for Hexachlorobenzene based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.
Hexachlorobenzene 118-74-1 0.055
and meet 10
Section and meet
728.148 Section
standards(8)
- D033(9)
Wastes that are TC for Hexachlorobutadiene based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.
Hexachlorobutadiene 87-68-3 0.055
and meet 5.6
Section and meet
728.148 Section
standards(8)
- D034(9)
Wastes that are TC for Hexachloroethane based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.
Hexachloroethane 67-72-1 0.055
and meet 30
Section and meet
728.148 Section
standards(8)
- D035(9)
Wastes that are TC for Methyl ethyl ketone based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.
Methyl ethyl ketone 78-93-3 0.28
and meet 36
Section and meet
728.148 Section
standards(8)
- D036(9)
Wastes that are TC for Nitrobenzene based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311.

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Nitrobenzene	98-95-3	0.068 and meet Section 728.148 standards(8)	14 and meet Section 728.148 standards(8)
D037(9) Wastes that are TC for Pentachlorophenol based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311. Pentachlorophenol	87-86-5	0.089 and meet Section 728.148 standards(8)	7.4 and meet Section 728.148 standards(8)
D038(9) Wastes that are TC for Pyridine based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311. Pyridine	110-86-1	0.014 and meet Section 728.148 standards(8)	16 and meet Section 728.148 standards(8)
D039(9) Wastes that are TC for Tetrachloroethylene based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311. Tetrachloroethylene	127-18-4	0.056 and meet Section 728.148 standards(8)	6.0 and meet Section 728.148 standards(8)
D040(9) Wastes that are TC for Trichloroethylene based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311. Trichloroethylene	79-01-6	0.054 and meet Section 728.148 standards(8)	6.0 and meet Section 728.148 standards(8)
D041(9) Wastes that are TC for 2,4,5-Trichlorophenol based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311. 2,4,5-Trichlorophenol	95-95-4	0.18 and meet Section	7.4 and meet Section

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D042(9) Wastes that are TC for 2,4,6-Trichlorophenol based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311. 2,4,6-Trichlorophenol	88-06-2	0.035 and meet Section 728.148 standards(8)	728.148 standards(8)	728.148 standards(8)
D043(9) Wastes that are TC for Vinyl chloride based on the toxicity characteristic leaching procedure (TCLP) in SW-846 Method 1311. Vinyl chloride	75-01-4	0.27 and meet Section 728.148 standards(8)		6.0 and meet Section 728.148 standards(8)
F001, F002, F003, F004, & F005 F001, F002, F003, F004, or F005 solvent wastes that contain any combination of one or more of the following spent solvents: acetone, benzene, n-butyl alcohol, carbon disulfide, carbon tetrachloride, chlorinated fluorocarbons, chlorobenzene, o-cresol, m-cresol, p-cresol, cyclohexanone, o-dichlorobenzene, 2-ethoxyethanol, ethyl acetate, ethyl benzene, ethyl ether, isobutyl alcohol, methanol, methylene chloride, methyl ethyl ketone, methyl isobutyl ketone, nitrobenzene, 2-nitropropane, pyridine, tetrachloroethylene, toluene, 1,1,1-trichloroethane, 1,1,2-trichloroethane, 1,1,2-trichloroethene, 1,1,2-trifluoroethane, trichloroethylene, trichloromono-fluoromethane, or xylenes (except as specifically noted in other subcategories). See further details of these listings in 35 Ill. Adm. Code 721.131		67-64-1 Acetone 71-43-2 Benzene 71-36-3 n-Butyl alcohol Carbon disulfide 75-15-0 Carbon tetrachloride 56-23-5 Chlorobenzene 108-90-7 o-Cresol 95-48-7 m-Cresol 108-39-4 (difficult to distinguish from p-cresol) p-Cresol 106-44-5 (difficult to distinguish from m-cresol)	0.28 0.14 0.18 5.6 3.8 0.057 6.0 0.057 0.11 0.77	160 1.0 2.6 NA 6.0 6.0 5.6 5.6

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Cresol-mixed isomers (Cresylic acid) (sum of o-, m-, and p- cresol concentrations)	1319-77-3	0.88	11.2
Cyclohexanone	108-94-1	0.36	NA
o-Dichlorobenzene	95-50-1	0.088	6.0
Ethyl acetate	141-78-6	0.34	33
Ethyl benzene	100-41-4	0.057	10
Ethyl ether	60-29-7	0.12	160
Isobutyl alcohol	78-83-1	5.6	170
Methanol	67-56-1	5.6	NA
Methylene chloride	75-9-2	0.089	30
Methyl ethyl ketone	78-93-3	0.28	36
Methyl isobutyl ketone	108-10-1	0.14	33
Nitrobenzene	98-95-3	0.068	14
Pyridine	110-86-1	0.014	16
Tetrachloroethylene	127-18-4	0.056	6.0
Toluene	108-88-3	0.080	10
1,1,1-Trichloroethane	71-55-6	0.054	6.0
1,1,2-Trichloroethane	79-00-5	0.054	6.0
1,1,2-Trichloro-1,2,2- trifluoroethane	76-13-1	0.057	30
Trichloroethylene	79-01-6	0.054	6.0
Trichloromonofluoro- methane	75-69-4	0.020	30
Xylenes-mixed isomers (sum of o-, m-, and p- xylene concentrations)	1330-20-7	0.32	30

F001, F002, F003, F004 & F005

F003 and F005 solvent wastes that contain any combination of one or more of the following three solvents as the only listed F001 through F005 solvents: carbon disulfide, cyclohexanone, or methanol. (Formerly Section 728.141(c))

Carbon disulfide	75-15-0	3.8	4.8 mg/l TCLP
Cyclohexanone	108-94-1	0.36	0.75 mg/l TCLP
Methanol	67-56-1	5.6	0.75 mg/l TCLP

F001, F002, F003, F004 & F005

F005 solvent waste containing 2-Nitropropane as the only listed F001 through F005 solvent.

2-Nitropropane	79-46-9	(WETOX or CHOXD) fb CASN; or CMBS	CMBS
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F001, F002, F003, F004 & F005

F005 solvent waste containing 2-Ethoxyethanol as the only listed F001 through

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F005 solvent. 2-Ethoxyethanol	110-80-5	BIDG; or CMBS	CMBS
F006 Wastewater treatment sludges from electroplating operations except from the following processes: (1) Sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; (5) cleaning or stripping associated with tin, zinc, and aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum.			
Cadmium	7440-43-9	0.69	0.11 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	50
Cyanides (Amenable)(7)	57-12-5	0.86	30
Lead	7439-92-1	0.69	0.75 mg/l TCLP
Nickel	7440-02-0	3.98	11 mg/l TCLP
Silver	7440-22-4	NA	0.14 mg/l TCLP
F007 Spent cyanide plating bath solutions from electroplating operations.			
Cadmium	7440-43-9	NA	0.11 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	50
Cyanides (Amenable)(7)	57-12-5	0.86	30
Lead	7439-92-1	0.69	0.75 mg/l TCLP
Nickel	7440-02-0	3.98	11 mg/l TCLP
Silver	7440-22-4	NA	0.14 mg/l TCLP

F008

Plating bath residues from the bottom of plating baths from electroplating operations where cyanides are used in the process.

Cadmium	7440-43-9	NA	0.11 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	50
Cyanides (Amenable)(7)	57-12-5	0.86	30
Lead	7439-92-1	0.69	0.75 mg/l TCLP
Nickel	7440-02-0	3.98	11 mg/l TCLP
Silver	7440-22-4	NA	0.14 mg/l TCLP

F009

Spent stripping and cleaning bath solutions from electroplating operations where cyanides are used in the process.

Cadmium	7440-43-9	NA	0.11 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	50
Cyanides (Amenable)(7)	57-12-5	0.86	30
Lead	7439-92-1	0.69	0.75 mg/l TCLP

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Nickel 7440-02-0 3.98 11 mg/l TCLP
Silver 7440-22-4 NA 0.14 mg/l TCLP

F010
Quenching bath residues from oil baths from metal heat treating operations
where cyanides are used in the process.

Cyanides (Total)(7) 57-12-5 1.2
Cyanides (Amenable)(7) 57-12-5 0.86

F011
Spent cyanide solutions from salt bath pot cleaning from metal heat treating operations.

Cadmium 7440-43-9 NA 0.11 mg/l TCLP
Chromium (Total) 7440-47-3 2.77 0.60 mg/l TCLP
Cyanides (Total)(7) 57-12-5 1.2 590
Cyanides (Amenable)(7) 57-12-5 0.86 30
Lead 7439-92-1 0.69 0.75 mg/l TCLP
Nickel 7440-02-0 3.98 11 mg/l TCLP
Silver 7440-22-4 NA 0.14 mg/l TCLP

F012
Quenching wastewater treatment sludges from metal heat treating operations
where cyanides are used in the process.

Cadmium 7440-43-9 NA 0.11 mg/l TCLP
Chromium (Total) 7440-47-3 2.77 0.60 mg/l TCLP
Cyanides (Total)(7) 57-12-5 1.2 590
Cyanides (Amenable)(7) 57-12-5 0.86 30
Lead 7439-92-1 0.69 0.75 mg/l TCLP
Nickel 7440-02-0 3.98 11 mg/l TCLP
Silver 7440-22-4 NA 0.14 mg/l TCLP

F019
Wastewater treatment sludges from the chemical conversion coating of aluminum except from zirconium phosphating in aluminum can washing when such phosphating is an exclusive conversion coating process.

Chromium (Total) 7440-47-3 2.77 0.60 mg/l TCLP
Cyanides (Total)(7) 57-12-5 1.2 590
Cyanides (Amenable)(7) 57-12-5 0.86 30

F020, F021, F022, F023, F026
Wastes (except wastewater and spent carbon from hydrogen chloride purification) from the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of: (1) tri- or tetrachlorophenol, or intermediates used to produce their pesticide derivatives, excluding wastes from the production of hexachlorophene from highly purified 2,4,5-trichlorophenol (i.e., F020); (2) pentachlorophenol, or of intermediates used to produce its derivatives (i.e., F021); (3) tetra-, penta-, or hexachlorobenzenes under alkaline conditions (i.e., F022) and wastes (except

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wastewater and spent carbon from hydrogen chloride purification) from the production of materials on equipment previously used for the production or manufacturing use (as a reactant, chemical intermediate, or component in a formulating process) of: (1) tri- or tetrachlorophenols, excluding wastes from equipment used only for the production of hexachlorophene from highly purified 2,4,5-trichlorophenol (F023) or (2) tetra-, penta-, or hexachlorobenzenes under alkaline conditions (i.e., F026).

HCDDs (All Hexachloro- NA 0.000063 0.001
dibenzo-p-dioxins)
HCDFs (All Hexachloro- NA 0.000063 0.001
dibenzofurans)
PCDDs (All Penta- NA 0.000063 0.001
chloro-dibenzo-p
-dioxins)
PCDFs (All Pentachloro- NA 0.000035 0.001
dibenzofurans)
Pentachlorophenol 87-86-5 7.4
TCDDs (All Tetrachloro- NA 0.000063 0.001
dibenzo-p-dioxins)
TCDFs (All Tetrachloro- NA 0.000063 0.001
dibenzofurans)
2,4,5-Trichlorophenol 95-95-4 0.18 7.4
2,4,6-Trichlorophenol 88-06-2 0.035 7.4
2,3,4,6-Tetrachloro- 58-90-2 0.030 7.4
phenol

F024
Process wastes, including but not limited to, distillation residues, heavy ends, tars, and reactor clean-out wastes, from the production of certain chlorinated aliphatic hydrocarbons by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution. (This listing does not include wastewater, wastewater treatment sludges, spent catalysts, and wastes listed in 35 Ill. Adm. Code 721.131 or 721.132.)

All F024 wastes NA CMBSF(11) CMBSF(11)
2-Chloro-1,3-butadiene 126-99-8 0.057 0.28
3-Chloropropylene 107-05-1 0.036 30
1,1-Dichloroethane 75-34-3 0.059 6.0
1,2-Dichloroethane 107-06-2 0.21 6.0
1,2-Dichloropropane 78-87-5 0.85 18
cis-1,3-Dichloro- 10061-01-5 0.036 18
propylene
trans-1,3-Dichloro- 10061-02-6 0.036 18
propylene
bis(2-Ethylhexyl)- 117-81-7 0.28 28
phthalate
Hexachloroethane 67-72-1 0.055 30

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Chromium (Total) 7440-47-3 2.77
Nickel 7440-02-0 3.98

F025

Condensed light ends from the production of certain chlorinated aliphatic hydrocarbons by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one up to and including five, with varying amounts and positions of chlorine substitution.

F025--Light Ends Subcategory:

Carbon tetrachloride	56-23-5	0.057
Chloroform	67-66-3	6.0
1,2-Dichloroethane	107-06-2	0.046
1,1-Dichloroethylene	75-35-4	0.021
Methylene chloride	75-9-2	0.025
1,1,2-Trichloroethane	79-00-5	0.089
Trichloroethylene	79-01-6	0.054
Vinyl chloride	75-01-4	0.054
		0.27

F026

Spent filters and filter aids, and spent desiccant wastes from the production of certain chlorinated aliphatic hydrocarbons by free radical catalyzed processes. These chlorinated aliphatic hydrocarbons are those having carbon chain lengths ranging from one to and including five, with varying amounts and positions of chlorine substitution. F026--Spent Filters/Aids and Desiccants Subcategory.

Carbon tetrachloride	56-23-5	0.057
Chloroform	67-66-3	6.0
Hexachlorobenzene	118-74-1	0.046
Hexachlorobutadiene	87-68-3	0.055
Hexachloroethane	67-72-1	10
Methylene chloride	75-9-2	0.055
1,1,2-Trichloroethane	79-00-5	5.6
Trichloroethylene	79-01-6	0.089
Vinyl chloride	75-01-4	20
		0.054
		0.054
		6.0
		0.054
		6.0

F027

Discarded unused formulations containing tri-, tetra-, or pentachlorophenol or discarded unused formulations containing compounds derived from chlorophenols. (This listing does not include formulations containing hexachlorophene synthesized from prepurified 2,4,5-trichlorophenol as the sole component.)

HxCDDs (All Hexachloro-dibenzo-p-dioxins)	NA	0.000063
HxCDDs (All Hexachloro-dibenzofurans)	NA	0.000063
PeCDDs (All Pentachloro-dibenzo-p-dioxins)	NA	0.000063
PeCDDs (All Pentachloro-dibenzofurans)	NA	0.000063
		0.001
		0.001
		0.001
		0.001

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dibenzofurans)	87-86-5	0.089	7.4
Pentachlorophenol	NA	0.000063	0.001
TCDDs (All Tetrachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
TCDFs (All Tetrachloro-dibenzofurans)	NA	0.000063	0.001
2,4,5-Trichlorophenol	95-95-4	0.18	7.4
2,4,6-Trichlorophenol	88-06-2	0.035	7.4
2,3,4,6-Tetrachlorophenol	58-90-2	0.030	7.4

F028

Residues resulting from the incineration or thermal treatment of soil contaminated with USEPA hazardous waste numbers F020, F021, F023, F026, and F027.

HxCDDs (All Hexachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
HxCDFs (All Hexachloro-dibenzofurans)	NA	0.000063	0.001
PeCDDs (All Pentachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
PeCDFs (All Pentachloro-dibenzofurans)	NA	0.000035	0.001
Pentachlorophenol	87-86-5	0.089	7.4
TCDDs (All Tetrachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
TCDFs (All Tetrachloro-dibenzofurans)	NA	0.000063	0.001
2,4,5-Trichlorophenol	95-95-4	0.18	7.4
2,4,6-Trichlorophenol	88-06-2	0.035	7.4
2,3,4,6-Tetrachlorophenol	58-90-2	0.030	7.4

F032

Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drillage, and spent formulations from wood preserving processes generated at plants that currently use or have previously used chlorophenolic formulations (except potentially cross-contaminated wastes that have had the F032 waste code deleted in accordance with 35 Ill. Adm. Code 721.135 or potentially cross-contaminated wastes that are otherwise currently regulated as hazardous wastes (i.e., F034 or F035), where the generator does not resume or initiate use of chlorophenolic formulations). This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosoteor penta-chlorophenol.

Acenaphthene	83-32-9	0.059	3.4
Anthracene	120-12-7	0.059	3.4
Benzo(a)anthracene			

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2,4,6-Trichlorophenol	88-06-2	0.035	7.4
Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP

F034

Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drippage, and spent formulations from wood preserving processes generated at plants that use creosote formulations. This listing does not include K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use creosote or pentachlorophenol.

Acenaphthene	83-32-9	0.059	3.4
Anthracene	120-12-7	0.059	3.4
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(b)fluoranthene	205-99-2	0.11	6.8

(difficult to distinguish from benzo(k)-fluoranthene)
Benzo(k)fluoranthene

207-08-9	0.11	6.8
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(difficult to distinguish from benzo(b)-fluoranthene)
Benzo(a)pyrene

50-32-8	0.061	3.4
218-01-9	0.059	3.4
53-70-3	0.055	8.2
86-73-7	0.059	3.4

Indeno (1,2,3-c,d) pyrene
Naphthalene
Phenanthrene
Pyrene

Chromium (Total)	7440-47-3	2.77	0.60
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F035

Wastewaters (except those that have not come into contact with process contaminants), process residuals, preservative drippage, and spent formulations from wood preserving processes that are generated at plants that use inorganic preservatives containing arsenic or chromium. This listing does not include

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56-55-3	0.059	3.4
205-99-2	0.11	6.8

Benzo(b)fluoranthene (difficult to distinguish from benzo(k)-fluoranthene)

207-08-9	0.11	6.8
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Benzo(k)fluoranthene (difficult to distinguish from benzo(b)-fluoranthene)

50-32-8	0.061	3.4
218-01-9	0.059	3.4

Chrysene
Dibenz(a,h)anthracene

53-70-3	0.055	8.2
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2,4-Dimethylphenol

105-67-9	0.036	14
86-73-7	0.059	3.4

Fluorene

NA	0.000063 or CMBST(11)	0.001 or CMBST(11)
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Hexachlorodibenzo-p-dioxins

NA	0.000063 or CMBST(11)	0.001 or CMBST(11)
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Hexachlorodibenzofurans

193-39-5	0.0055	3.4
91-20-3	0.059	5.6

Indeno (1,2,3-c,d) pyrene

NA	0.000063 or CMBST(11)	0.001 or CMBST(11)
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Naphthalene

NA	0.000063 or CMBST(11)	0.001 or CMBST(11)
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Pentachlorodibenzo-p-dioxins

NA	0.000063 or CMBST(11)	0.001 or CMBST(11)
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Pentachlorodibenzofurans

87-86-5	0.089	7.4
85-01-8	0.059	5.6
108-95-2	0.039	6.2
129-00-0	0.067	8.2

Phenanthrene

NA	0.000063 or CMBST(11)	0.001 or CMBST(11)
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Pyrene

NA	0.000063 or CMBST(11)	0.001 or CMBST(11)
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Tetrachlorodibenzo-p-dioxins

NA	0.000063 or CMBST(11)	0.001 or CMBST(11)
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Tetrachlorodibenzofurans

NA	0.000063 or CMBST(11)	0.001 or CMBST(11)
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2,3,4,6-Tetrachlorophenol

58-90-2	0.030	7.4
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K001 bottom sediment sludge from the treatment of wastewater from wood preserving processes that use cresote or pentachlorophenol.

Arsenic 7440-38-2 1.4 5.0 mg/l TCLP
Chromium (Total) 7440-47-3 2.77 0.60 mg/l TCLP

F037 Petroleum refinery primary oil/water/solids separation sludge--any sludge generated from the gravitational separation of oil/water/solids during the storage or treatment of process wastewaters and oily cooling wastewaters from petroleum refineries. Such sludges include, but are not limited to, those generated in: oil/water/solids separators; tanks and impoundments; ditches and other conveyances; sumps; and stormwater units receiving dry weather flow. Sludge generated in stormwater units that do not receive dry weather flow, sludges generated from non-contact once-through cooling waters segregated for treatment from other process or oily cooling waters, sludges generated for aggressive biological treatment units as defined in 35 Ill. Adm. Code 721.131(b)(2) (including sludges generated in one or more additional units after wastewaters have been treated in aggressive biological treatment units) and K051 wastes are not included in this listing.

Acenaphthene 83-32-9 0.059 NA

Anthrathene 120-12-7 0.059 3.4

Benzene 71-43-2 0.14 10

Benz(a)anthracene 56-55-3 0.059 3.4

Benz(o)pyrene 50-32-8 0.061 3.4

Bis(2-Ethylhexyl) phthalate 117-81-7 0.28 28

Chrysene 218-01-9 0.059 3.4

Di-n-butyl phthalate 84-74-2 0.057 28

Ethylbenzene 100-41-4 0.057 10

Fluorene 86-73-7 0.059 NA

Naphthalene 91-20-3 0.059 5.6

Phenanthrene 85-01-8 0.059 5.6

Phenol 108-95-2 0.039 6.2

Pyrene 129-00-0 0.067 8.2

Toluene 108-88-3 0.080 10

Xylenes-mixed isomers 1330-20-7 0.32 30

(sum of o-, m-, and p- xylene concentrations)

Chromium (Total) 7440-47-3 2.77 0.60 mg/l TCLP

Cyanides (Total) 57-12-5 1.2 590

Lead 7439-92-1 0.69 NA

Nickel 7440-02-0 NA 11 mg/l TCLP

F038 Petroleum refinery secondary (emulsified) oil/water/solids separation sludge or float generated from the physical or chemical separation of oil/water/solids in process wastewaters and oily cooling wastewaters from petroleum refineries. Such wastes include, but are not limited to, all sludges and floats generated

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in: induced air floatation (IAF) units, tanks and impoundments, and all sludges generated in DAF units. Sludges generated in stormwater units that do not receive dry weather flow, sludges generated from non-contact once-through cooling waters segregated for treatment from other process or oily cooling waters, sludges, and floats generated in aggressive biological treatment units as defined in 35 Ill. Adm. Code 721.131(b)(2) (including sludges and floats generated in one or more additional units after wastewaters have been treated in aggressive biological units) and F037, K048, and K051 are not included in this listing.

Benzene 71-43-2 0.14 10

Benz(o)pyrene 50-32-8 0.061 3.4

Bis(2-Ethylhexyl) phthalate 117-81-7 0.28 28

Chrysene 218-01-9 0.059 3.4

Di-n-butyl phthalate 84-74-2 0.057 28

Ethylbenzene 100-41-4 0.057 10

Fluorene 86-73-7 0.059 NA

Naphthalene 91-20-3 0.059 5.6

Phenanthrene 85-01-8 0.059 5.6

Phenol 108-95-2 0.039 6.2

Pyrene 129-00-0 0.067 8.2

Toluene 108-88-3 0.080 10

Xylenes-mixed isomers 1330-20-7 0.32 30

(sum of o-, m-, and p- xylene concentrations)

Chromium (Total) 7440-47-3 2.77 0.60 mg/l TCLP

Cyanides (Total)(7) 57-12-5 1.2 590

Lead 7439-92-1 0.69 NA

Nickel 7440-02-0 NA 11 mg/l TCLP

F039

Leachate (liquids that have percolated through land disposed wastes) resulting from the disposal of more than one restricted waste classified as hazardous under Subpart D of this Part. (Leachate resulting from the disposal of one or more of the following USEPA hazardous wastes and no other hazardous wastes retains its USEPA hazardous waste numbers: F020, F021, F022, F026, F027, or F028.).

Acenaphthylene 208-96-8 0.059 3.4

Acenaphthene 83-32-9 0.059 3.4

Acetone 67-64-1 0.28 160

Acetonitrile 75-05-8 5.6 NA

Acetophenone 96-86-2 0.010 9.7

2-Acetylaminofluorene 53-96-3 0.059 140

Acrolein 107-02-8 0.29 NA

Acrylonitrile 107-13-1 0.24 84

Aldrin 309-00-2 0.021 0.066

4-Aminobiphenyl 92-67-1 0.13 NA

Aniline 62-53-3 0.81 14

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Anthracene	120-12-7	0.059	3.4
Aramite	140-57-8	0.36	NA
alpha-BHC	319-84-6	0.00014	0.066
beta-BHC	319-85-7	0.00014	0.066
delta-BHC	319-86-8	0.023	0.066
gamma-BHC	58-89-9	0.0017	0.066
Benzene	71-43-2	0.14	10
Bena(a)anthracene	56-55-3	0.059	3.4
Benzo(b)fluoranthene	205-99-2	0.11	6.8
distinguish from benzo-			
distinguish from benzo-			
(k)fluoranthene	207-08-9	0.11	6.8
Benzo(k)fluoranthene			
(difficult to			
distinguish from benzo-			
(b)fluoranthene)			
Benzo(g,h,i)perylene	191-24-2	0.0055	1.8
Benzo(a)pyrene	50-32-8	0.061	3.4
Bromodichloromethane	75-27-4	0.35	15
Methyl bromide (Bromo-	74-83-9	0.11	15
methane)			
4-Bromophenyl phenyl	101-55-3	0.055	15
ether			
n-Butyl alcohol	71-36-3	5.6	2.6
Butyl benzyl phthalate	85-68-7	0.017	28
2-sec-Butyl-4,6-dinitro-	88-85-7	0.066	2.5
phenol (Dinoseb)			
Carbon disulfide	75-15-0	3.8	NA
Carbon tetrachloride	56-23-5	0.057	6.0
Chlordane (alpha and	57-74-9	0.0033	0.26
gamma isomers)			
p-Chloroaniline	106-47-8	0.46	16
Chlorobenzene	108-90-7	0.057	6.0
Chlorobenzilate	510-15-6	0.10	NA
2-Chloro-1,3-butadiene	126-99-8	0.057	15
Chlorodibromomethane	124-48-1	0.057	15
Chloroethane	75-00-3	0.27	6.0
bis(2-Chloroethoxy)-	111-91-1	0.036	7.2
methane			
bis(2-Chloroethyl)ether	111-44-4	0.033	6.0
Chloroform	67-66-3	0.046	6.0
bis(2-Chloroisopropyl)-	39638-32-9	0.055	7.2
ether			
p-Chloro-m-cresol	59-50-7	0.018	14
Chloromethane (Methyl	74-87-3	0.19	30
chloride)			
2-Chloronaphthalene	91-58-7	0.055	5.6
2-Chlorophenol	95-57-8	0.044	5.7

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3-Chloropropylene	107-05-1	0.036	30
Chrysene	218-01-9	0.059	3.4
o-Cresol	95-48-7	0.11	5.6
m-Cresol	108-39-4	0.77	5.6
(difficult to			
distinguish from p-			
cresol)			
p-Cresol	106-44-5	0.77	5.6
(difficult to			
distinguish from m-			
cresol)			
Cyclohexanone	108-94-1	0.36	NA
1,2-Dibromo-3-chloro-	96-12-8	0.11	15
propane			
Ethylene dibromide (1,2-	106-93-4	0.028	15
Dibromoethane)			
Dibromomethane	74-95-3	0.11	15
2,4-D (2,4-Dichloro-	94-75-7	0.72	10
phenoxyacetic acid)			
o,p'-DDD	53-19-0	0.023	0.087
72-54-8		0.023	0.087
2424-82-6		0.031	0.087
o,p'-DDE	72-55-9	0.031	0.087
p,p'-DDE	789-02-6	0.0039	0.087
p,p'-DDT	50-29-3	0.055	8.2
Dibenz(a,h)anthracene	53-70-3	0.061	NA
Dibenz(a,e)pyrene	192-65-4	0.036	6.0
m-Dichlorobenzene	541-73-1	0.088	6.0
p-Dichlorobenzene	95-50-1	0.090	6.0
p-Dichlorobenzene	106-46-7	0.23	7.2
Dichlorodifluoromethane	75-71-8	0.059	6.0
1,1-Dichloroethane	75-34-3	0.21	6.0
1,2-Dichloroethane	107-06-2	0.025	6.0
1,1-Dichloroethylene	75-35-4	0.054	30
trans-1,2-Dichloro-	156-60-5	0.044	14
ethylene		0.044	14
2,4-Dichlorophenol	120-83-2	0.044	14
2,6-Dichlorophenol	87-65-0	0.044	14
1,2-Dichloropropane	78-87-5	0.85	18
cis-1,3-Dichloro-	10061-01-5	0.036	18
propylene			
trans-1,3-Dichloro-	10061-02-6	0.036	18
propylene			
Diethylin	60-57-1	0.017	0.13
Diethyl phthalate	84-66-2	0.20	28
2,4-Dimethyl phenol	105-67-9	0.036	14
Dimethyl phthalate	131-11-3	0.047	28
Di-n-butyl phthalate	84-74-2	0.057	28

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1,4-Dinitrobenzene	100-25-4	0.32	2.3
4,6-Dinitro-o-cresol	534-52-1	0.28	160
2,4-Dinitrophenol	51-28-5	0.12	160
2,4-Dinitrotoluene	121-14-2	0.32	140
2,6-Dinitrotoluene	606-20-2	0.55	28
Di-n-octyl phthalate	117-84-0	0.017	28
Di-n-propylnitrosamine	621-64-7	0.40	14
1,4-Dioxane	123-91-1	12.0	170
Diphenylamine (difficult to distinguish from diphenylnitrosamine)	122-39-4	0.92	NA
Diphenylnitrosamine (difficult to distinguish from diphenylamine)	86-30-6	0.92	NA
1,2-Diphenylhydrazine	122-66-7	0.087	NA
Disulfoton	298-04-4	0.017	6.2
Endosulfan I	939-98-8	0.023	0.066
Endosulfan II	33213-6-5	0.029	0.13
Endosulfan sulfate	1031-07-8	0.029	0.13
Endrin	72-20-8	0.0028	0.13
Endrin aldehyde	7421-93-4	0.025	0.13
Ethyl acetate	141-78-6	0.34	33
Ethyl cyanide (Propane-nitrile)	107-12-0	0.24	360
Ethyl benzene	100-41-4	0.057	10
Ethyl ether	60-29-7	0.12	160
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
Ethyl methacrylate	97-63-2	0.14	160
Ethylene oxide	75-21-8	0.12	NA
Famphur	52-85-7	0.017	15
Fluoranthene	206-44-0	0.068	3.4
Fluorene	86-73-7	0.059	3.4
Heptachlor	76-44-8	0.0012	0.066
Heptachlor epoxide	1024-57-3	0.016	0.066
Hexachlorobenzene	118-74-1	0.055	10
Hexachlorobutadiene	87-68-3	0.055	5.6
Hexachlorocyclopentadiene	77-47-4	0.057	2.4
HxCDDs (All Hexachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
HxCDFs (All Hexachloro-dibenzofurans)	NA	0.000063	0.001
Hexachloroethane	67-72-1	0.055	30
Hexachloropropylene	1888-71-7	0.035	30
Indeno (1,2,3-c,d) pyrene	193-39-5	0.0055	3.4

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Iodomethane	74-88-4	0.19	65
Isobutyl alcohol	78-83-1	5.6	170
Isosafrole	465-73-6	0.021	0.066
Isosafrole	120-58-1	0.081	2.6
Kepona	143-50-8	0.0011	0.13
Methacrylonitrile	126-98-7	0.24	84
Methanol	67-56-1	5.6	NA
Methacrylonitrile	91-80-5	0.081	1.5
Methoxychlor	72-43-5	0.25	0.18
3-Methylcholanthrene	56-49-5	0.0055	15
4,4-Methylene bis(2-chloroaniline)	101-14-4	0.50	30
Methylene chloride	75-09-2	0.089	30
Methyl ethyl ketone	78-93-3	0.28	36
Methyl isobutyl ketone	108-10-1	0.14	33
Methyl methacrylate	80-62-6	0.14	160
Methyl methanesulfonate	66-27-3	0.018	NA
Methyl parathion	298-00-0	0.014	4.6
Naphthalene	91-20-3	0.059	5.6
2-Naphthylamine	91-59-8	0.52	NA
p-Nitroaniline	100-01-6	0.028	28
Nitrobenzene	98-95-3	0.068	14
5-Nitro-o-toluidine	99-55-8	0.32	28
p-Nitrophenol	100-02-7	0.12	29
N-Nitrosodimethylamine	55-18-5	0.40	28
N-Nitrosodimethylamine	62-75-9	0.40	NA
N-Nitroso-di-n-butylamine	924-16-3	0.40	17
N-Nitrosomethyl-ethylamine	10595-95-6	0.40	2.3
N-Nitrosomorpholine	59-89-2	0.40	2.3
N-Nitrosopiperidine	100-75-4	0.013	35
N-Nitrosopyrrolidine	930-55-2	0.013	35
Parathion	56-38-2	0.014	4.6
Total PCBs (sum of all PCB isomers, or all Aroclors)	1336-36-3	0.10	10
Pentachlorobenzene	608-93-5	0.055	10
PeCDDs (All Pentachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
PeCDFs (All Pentachlorodibenzofurans)	NA	0.000035	0.001
Pentachloronitrobenzene	82-68-8	0.055	4.8
Pentachlorophenol	87-86-5	0.089	7.4
Phenacetin	62-44-2	0.081	16
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Phorate	298-02-2	0.021	4.6

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Phthalic anhydride	85-44-9	0.055	NA
Pronamide	23950-58-5	0.093	1.5
Pyrene	129-00-0	0.067	8.2
Pyridine	110-86-1	0.014	16
Safrole	94-59-7	0.081	22
Silvex (2,4,5-TP)	93-72-1	0.72	7.9
2,4,5-T	93-76-5	0.72	7.9
1,2,4,5-Tetrachloro- benzene	95-94-3	0.055	14
TCDDs (All Tetrachloro- dibenzo-p-dioxins)	NA	0.000063	0.001
TCDFs (All Tetrachloro- dibenzofurans)	NA	0.000063	0.001
1,1,1,2-Tetrachloro- ethane	630-20-6	0.057	6.0
1,1,2,2-Tetrachloro- ethane	79-34-6	0.057	6.0
Tetrachloroethylene	127-18-4	0.056	6.0
2,3,4,6-Tetrachloro- phenol	58-90-2	0.030	7.4
Toluene	108-88-3	0.080	10
Toxaphene	8001-35-2	0.0095	2.6
Bromophen (Tribromo- methane)	75-25-2	0.63	15
1,2,4-Trichlorobenzene	120-82-1	0.055	19
1,1,1-Trichloroethane	71-55-6	0.054	6.0
1,1,2-Trichloroethane	79-00-5	0.054	6.0
Trichloroethylene	79-01-6	0.054	6.0
Trichloromonofluoro- methane	75-69-4	0.020	30
2,4,5-Trichlorophenol	95-95-4	0.18	7.4
2,4,6-Trichlorophenol	88-06-2	0.035	7.4
1,2,3-Trichloropropane	96-18-4	0.85	30
1,1,2-Trichloro-1,2,2- trifluoroethane	76-13-1	0.057	30
tris(2,3-Dibromopropyl) phosphate	726-72-7	0.11	NA
Vinyl chloride	75-01-4	0.27	6.0
Xylenes-mixed isomers (sum of o-, m-, and p- xylene concentrations)	1330-20-7	0.32	30
Antimony	7440-36-0	1.9	1.15 mg/l TCLP
Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
Barium	7440-39-3	1.2	21 mg/l TCLP
Beryllium	7440-41-7	0.82	NA
Cadmium	7440-43-9	0.69	0.11 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Cyanides (Total){(7)	57-12-5	1.2	590

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Cyanides (Amenable){(7)	57-12-5	0.86	NA
Fluoride	16964-48-8	35	NA
Lead	7439-92-1	0.69	0.75 mg/l TCLP
Mercury	7439-97-6	0.15	0.025 mg/l TCLP
Nickel	7440-02-0	3.98	11 mg/l TCLP
Selenium	7782-49-2	0.82	5.7 mg/l TCLP
Silver	7440-22-4	0.43	0.14 mg/l TCLP
Sulfide	8496-25-8	14	NA
Thallium	7440-28-0	1.4	NA
Vanadium	7440-62-2	4.3	NA
K001			
Bottom sediment sludge from the treatment of wastewaters from wood preserving processes that use creosote or pentachlorophenol.			
Naphthalene	91-20-3	0.059	5.6
Pentachlorophenol	87-86-5	0.089	7.4
Phenanthrene	85-01-8	0.059	5.6
Pyrene	129-00-0	0.067	8.2
Toluene	108-88-3	0.080	10
Xylenes-mixed isomers (sum of o-, m-, and p- xylene concentrations)	1330-20-7	0.32	30
Lead	7439-92-1	0.69	0.75 mg/l TCLP
K002			
Wastewater treatment sludge from the production of chrome yellow and orange pigments.			
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Lead	7439-92-1	0.69	0.75 mg/l TCLP
K003			
Wastewater treatment sludge from the production of molybdate orange pigments.			
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Lead	7439-92-1	0.69	0.75 mg/l TCLP
K004			
Wastewater treatment sludge from the production of zinc yellow pigments.			
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Lead	7439-92-1	0.69	0.75 mg/l TCLP
K005			
Wastewater treatment sludge from the production of chrome green pigments.			
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Lead	7439-92-1	0.69	0.75 mg/l TCLP
Cyanides (Total){(7)	57-12-5	1.2	590
K006			

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diphenylamine)	
Phenol	108-95-2 0.039 6.2
Chromium (Total)	7440-47-3 2.77 0.60 mg/1 TCLP
Nickel	7440-02-0 3.98 11 mg/1 TCLP

K023 Distillation light ends from the production of phthalic anhydride from naphthalene.

Phthalic anhydride	100-21-0 0.055 28
acid or Phthalic acid or Terephthalic acid)	
Phthalic anhydride	85-44-9 0.055 28
(measured as Phthalic acid or Terephthalic acid)	

K024 Distillation bottoms from the production of phthalic anhydride from naphthalene.

Phthalic anhydride	100-21-0 0.055 28
(measured as Phthalic acid or Terephthalic acid)	
Phthalic anhydride	85-44-9 0.055 28
(measured as Phthalic acid or Terephthalic acid)	

K025 Distillation bottoms from the production of nitrobenzene by the nitration of benzene.

NA	NA	LLEXT fb SSTRP fb CARBN; or CMBS	CMBS
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K026 Stripping still tails from the production of methyl ethyl pyridines.

NA	NA	CMBS	CMBS
K027	Centrifuge and distillation residues from the toluene diisocyanate production.	NA	CARBN; or CMBS

K028 Spent catalyst from the hydrochlorinator reactor in the production of 1,1,1-trichloroethane.

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Hexachlorobutadiene	87-68-3 0.055 5.6
Hexachloroethane	67-72-1 0.055 30
Pentachloroethane	76-01-7 NA 6.0
1,1,1-Trichloroethane	71-55-6 0.054 6.0

K019 Heavy ends from the distillation of ethylene dichloride in ethylene dichloride production.

Bis(2-Chloroethyl) ether	111-44-4 0.033 6.0
Chlorobenzene	108-90-7 0.057 6.0
Chloroform	67-66-3 0.046 6.0
p-Dichlorobenzene	106-46-7 NA
1,2-Dichloroethane	107-06-2 0.090 6.0
Fluorene	86-73-7 0.059 NA
Hexachloroethane	67-72-1 0.055 30
Naphthalene	91-20-3 0.059 5.6
Phenanthrene	85-01-8 0.059 5.6
1,2,4,5-Tetrachlorobenzene	95-94-3 0.055 NA
Tetrachloroethylene	127-18-4 0.056 6.0
1,2,4-Trichlorobenzene	120-82-1 0.055 19
1,1,1-Trichloroethane	71-55-6 0.054 6.0

K020 Heavy ends from the distillation of vinyl chloride in vinyl chloride monomer production.

1,2-Dichloroethane	107-06-2 0.21 6.0
1,1,2,2-Tetrachloroethane	79-34-6 0.057 6.0
Tetrachloroethylene	127-18-4 0.056 6.0

K021 Aqueous spent antimony catalyst waste from fluoromethanes production.

Carbon tetrachloride	56-23-5 0.057 6.0
Chloroform	67-66-3 0.046 6.0
Antimony	7440-36-0 1.9 1.15 mg/1 TCLP

K022 Distillation bottom tars from the production of phenol or acetone from cumene.

Toluene	108-88-3 0.080 10
Acetophenone	96-86-2 0.010 9.7
Diphenylamine (difficult)	122-39-4 0.92 13

to distinguish from diphenylnitrosamine) Diphenylnitrosamine (difficult to distinguish from

86-30-6	0.92	13
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1,1-Dichloroethane	75-34-3	0.059	6.0
trans-1,2-Dichloroethene	156-60-5	0.054	30
Hexachlorobutadiene	87-68-3	0.055	5.6
Hexachloroethane	67-72-1	0.055	30
Pentachloroethane	76-01-7	NA	6.0
1,1,1,2-Tetrachloroethane	630-20-6	0.057	6.0
1,1,1,2,2-Tetrachloroethane	79-34-6	0.057	6.0
Tetrachloroethylene	127-18-4	0.056	6.0
1,1,1-Trichloroethane	71-55-6	0.054	6.0
1,1,2-Trichloroethane	79-00-5	0.054	6.0
Cadmium	7440-43-9	0.69	NA
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Lead	7439-92-1	0.69	0.75 mg/l TCLP
Nickel	7440-02-0	3.98	11 mg/l TCLP
K029	Waste from the product steam stripper in the production of 1,1,1,1-tetrachloroethane.		
Chloroform	67-66-3	0.046	6.0
1,2-Dichloroethane	107-06-2	0.21	6.0
1,1-Dichloroethylene	75-35-6	0.025	6.0
1,1,1-Trichloroethane	71-55-6	0.054	6.0
Vinyl chloride	75-01-4	0.27	6.0
K030	Column bodies or heavy ends from the combined production of trichloroethylene and perchloroethylene.		
o-Dichlorobenzene	95-50-1	0.088	NA
p-Dichlorobenzene	106-46-7	0.090	NA
Hexachlorobutadiene	87-68-3	0.055	5.6
Hexachloroethane	67-72-1	0.055	30
Hexachloropropylene	1888-71-7	NA	30
Pentachlorobenzene	608-93-5	NA	10
Pentachloroethane	76-01-7	NA	6.0
1,2,4,5-Tetrachlorobenzene	95-94-3	NA	14
Tetrachloroethylene	127-18-4	0.055	6.0
1,2,4-Trichlorobenzene	120-82-1	0.055	19
K031	By-product salts generated in the production of MSMA and cacodylic acid.		
Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
K032	Wastewater treatment sludges from the production of chloridane.		
Hexachlorocyclopentadiene	77-47-4	0.057	2.4
Chloridane (alpha and gamma isomers)	57-74-9	0.0033	0.26
Heptachlor	76-44-8	0.0012	0.066
Heptachlor epoxide	1024-57-3	0.016	0.066
K033	Wastewater and scrub water from the chlorination of cyclopentadiene in the production of chloridane.		
Hexachlorocyclopentadiene	77-47-4	0.057	2.4
K034	Filter solids from the filtration of hexachlorocyclopentadiene in the production of chloridane.		
Hexachlorocyclopentadiene	77-47-4	0.057	2.4
K035	Wastewater treatment sludges generated in the production of cresosote.		
Acenaphthene	83-32-9	NA	3.4
Anthracene	120-12-7	NA	3.4
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
Chrysene	218-01-9	0.059	3.4
o-Cresol	95-48-7	0.11	5.6
m-Cresol	108-39-4	0.77	5.6
p-Cresol	106-44-5	0.77	5.6
(difficult to distinguish from p-cresol)			
Dibenz(a,h)anthracene	53-70-3	NA	8.2
Fluoranthene	206-44-0	0.068	3.4
Fluorene	86-73-7	NA	3.4
Indeno(1,2,3-cd)pyrene	193-39-5	NA	3.4
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyrene	129-00-0	0.067	8.2
K036	Still bottoms from toluene reclamation distillation in the production of disulfoton.		
Disulfoton	298-04-4	0.017	6.2

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K037	Wastewater treatment sludges from the production of disulfoton.			
Disulfoton	298-04-4	0.017	6.2	
Toluene	108-88-3	0.080	10	
K038	Wastewater from the washing and stripping of phosphate production.			
Phosphate	298-02-2	0.021	4.6	
K039	Filter cake from the filtration of diethylphosphorodithioic acid in the production of phosphate.			
NA	NA	CARBEN; or CMBST		CMBST
K040	Wastewater treatment sludge from the production of phosphate.			
Phosphate	298-02-2	0.021	4.6	
K041	Wastewater treatment sludge from the production of toxaphene.			
Toxaphene	8001-35-2	0.0095	2.6	
K042	Heavy ends or distillation residues from the distillation of tetrachlorobenzene in the production of 2,4,5-T.			
o-Dichlorobenzene	95-50-1	0.088	6.0	
p-Dichlorobenzene	106-46-7	0.090	6.0	
Pentachlorobenzene	608-93-5	0.055	10	
1,2,4,5-Tetrachloro- benzene	95-94-3	0.055	14	
1,2,4-Trichlorobenzene	120-82-1	0.055	19	
K043	2,4,6-Dichlorophenol waste from the production of 2,4-D.			
2,4-Dichlorophenol	120-83-2	0.044	14	
2,6-Dichlorophenol	187-65-0	0.044	14	
2,4,5-Trichlorophenol	95-95-4	0.18	7.4	
2,4,6-Trichlorophenol	88-06-2	0.035	7.4	
2,3,4,6-Tetrachloro- phenol	58-90-2	0.030	7.4	
Pentachlorophenol	87-86-5	0.089	7.4	
Tetrachloroethylene	127-18-4	0.056	6.0	
HxCDDs (All Hexachloro- dibenzo-p-dioxins)	NA	0.000063	0.001	
HxCDFs (All Hexachloro- dibenzofurans)	NA	0.000063	0.001	
PeCDDs (All Pentachloro- dibenzofurans)	NA	0.000063	0.001	

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dibenzo-p-dioxins)			
PeCDDs (All Pentachloro- dibenzofurans)	NA	0.000035	0.001
TCDDs (All Tetrachloro- dibenzo-p-dioxins)	NA	0.000063	0.001
TCDFs (All Tetrachloro- dibenzofurans)	NA	0.000063	0.001
K044	Wastewater treatment sludges from the manufacturing and processing of explosives.		
NA	NA	DEACT	DEACT
K045	Spent carbon from the treatment of wastewater containing explosives.		
NA	NA	DEACT	DEACT
K046	Wastewater treatment sludges from the manufacturing, formulation and loading of lead-based initiating compounds.		
Lead	7439-92-1	0.69	0.75 mg/l TCLP
K047	Pink or red water from TNT operations.		
NA	NA	DEACT	DEACT
K048	Dissolved air flotation (DAF) float from the petroleum refining industry.		
Benzene	71-43-2	0.14	10
Benzo(a)pyrene	50-32-8	0.61	3.4
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
Chrysene	218-01-9	0.059	3.4
Di-n-butyl phthalate	84-74-2	0.057	28
Ethylbenzene	100-41-4	0.057	10
Fluorene	86-73-7	0.059	NA
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyrene	129-00-0	0.067	8.2
Toluene	108-88-33	0.080	10
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590
Lead	7439-92-1	0.69	NA
Nickel	7440-02-0	NA	11 mg/l TCLP

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K049

Stop oil emulsion solids from the petroleum refining industry.

Anthracene	120-12-7	0.059	3.4
Benzene	71-43-2	0.14	10
Benzo(a)pyrene	50-32-8	0.061	3.4
bis(2-ethylhexyl) phthalate	117-81-7	0.28	28
Carbon disulfide	75-15-0	3.8	NA
Chrysene	2218-01-9	0.059	3.4
2,4-Dimethylphenol	105-67-9	0.036	NA
Ethylbenzene	100-41-4	0.057	10
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.039	5.6
Phenol	108-95-2	0.039	6.2
Pyrene	129-00-0	0.067	8.2
Toluene	108-88-3	0.080	10
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30
Cyanides (Total)(7)			
Chromium (Total)			
Lead			
Nickel			

K050

Heat exchanger bundle cleaning sludge from the petroleum refining industry.

Benzo(a)pyrene	50-32-8	0.061	3.4
Phenol	108-95-2	0.039	6.2
Cyanides (Total)(7)	57-12-5	1.2	590
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Lead	7439-92-1	0.69	NA
Nickel	7440-02-0	NA	11 mg/l TCLP

K051

API separator sludge from the petroleum refining industry.

Acenaphthene	83-32-9	0.059	NA
Anthracene	120-12-7	0.059	3.4
Benzo(a)anthracene	56-55-3	0.059	3.4
Benzene	71-43-2	0.14	10
Benzo(a)pyrene	50-32-8	0.061	3.4
bis(2-ethylhexyl) phthalate	117-81-7	0.28	28
Chrysene	2218-01-9	0.059	3.4
Di-n-butyl phthalate	105-67-9	0.057	28
Ethylbenzene	100-41-4	0.057	10
Fluorene	86-73-7	0.059	NA
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6

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Phenol	108-95-2	0.039	6.2
Pyrene	129-00-0	0.067	8.2
Toluene	108-88-3	0.08	10
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30

Cyanides (Total)(7)	57-12-5	1.2	590
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Lead	7439-92-1	0.69	NA
Nickel	7440-02-0	NA	11 mg/l TCLP

K052 Tank bottoms (lead) from the petroleum refining industry.

Benzene	71-43-2	0.14	10
Benzo(a)pyrene	50-32-8	0.061	3.4
o-Cresol	95-48-7	0.11	5.6
m-Cresol	108-39-4	0.77	5.6
(difficult to distinguish from p-cresol)			
p-Cresol	106-44-5	0.77	5.6
(difficult to distinguish from m-cresol)			

2,4-Dimethylphenol	105-67-9	0.036	NA
Ethylbenzene	100-41-4	0.057	10
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Phenol	108-95-2	0.039	6.2
Toluene	108-88-3	0.08	10
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30

Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590
Lead	7439-92-1	0.69	NA
Nickel	7440-02-0	NA	11 mg/l TCLP

K060

Ammonia still lime sludge from coking operations.

Benzene	71-43-2	0.14	10
Benzo(a)pyrene	50-32-8	0.061	3.4
Naphthalene	91-20-3	0.059	5.6
Phenol	108-95-2	0.039	6.2
Cyanides (Total)(7)	57-12-5	1.2	590

K061

Emission control dust or sludge from the primary production of steel in

ILLINOIS REGISTER 9283 99		ILLINOIS REGISTER 9282 99	
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Mercury	7439-97-6 0.015 NA	electric furnaces.	
K073		Antimony	7440-36-0 NA
Chlorinated hydrocarbon waste from the purification step of the diaphragm cell process using graphite anodes in chlorine production.		Arsenic	7440-38-2 NA
Carbon tetrachloride	56-23-5 0.057 6.0	Barium	7440-39-3 NA
Chloroform	67-66-3 0.046 6.0	Beryllium	7440-41-7 NA
Hexachloroethane	67-72-1 0.055 30	Cadmium	7440-43-9 0.69
Tetrachloroethylene	127-18-4 0.056 6.0	Chromium (Total)	7440-47-3 2.77
1,1,1-Trichloroethane	71-55-6 0.054 6.0	Lead	7439-92-1 0.69
K083		Mercury	7439-97-6 NA
Distillation bottoms from aniline production.		Nickel	7440-02-0 3.98
Aniline	62-53-3 0.81 14	Selenium	7782-49-2 NA
Benzene	71-43-2 0.14 10	Silver	7740-22-4 NA
Cyclohexanone	108-94-1 0.36 NA	Thallium	7440-28-0 NA
Diphenylamine	122-39-4 0.92 13	Zinc	7440-66-6 NA
(difficult to distinguish from diphenylnitrosamine)		K062	
Diphenylnitrosamine	86-30-6 0.92 13	Spent pickle liquor generated by steel finishing operations of facilities within the iron and steel industry (SIC Codes 331 and 332).	
(difficult to distinguish from diphenylamine)		Chromium (Total)	7740-47-3 2.77
Nitrobenzene	98-95-3 0.068 14	Lead	7439-92-1 0.69
Phenol	108-95-2 0.039 6.2	Nickel	7440-02-0 3.98
Nickel	7440-02-0 3.98 11 mg/1 TCIP	K069	
K084		Emission control dust or sludge from secondary lead smelting. - Calcium sulfate (Low Lead) Subcategory	
Wastewater treatment sludges generated during the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.		Cadmium	7440-43-9 0.69
Arsenic	7440-38-2 1.4 5.0 mg/1 TCIP	Lead	7439-92-1 0.69
K085		K071	
Distillation or fractionation column bottoms from the production of chlorobenzenes.		Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is not used) nonwastewaters that are residues from RMERC.	
Benzene	71-43-2 0.14 10	Mercury	7439-97-6 NA
Chlorobenzene	108-90-7 0.057 6.0	K071	
m-Dichlorobenzene	541-73-1 0.036 6.0	Brine purification muds from the mercury cell process in chlorine production, where separately prepurified brine is to used nonwastewaters that are not residues from RMERC.	
o-Dichlorobenzene	95-50-1 0.088 6.0	Mercury	7439-97-6 NA
p-Dichlorobenzene	106-46-7 0.090 6.0		
Hexachlorobenzene	118-74-1 0.055 10		
Total PCBs	1336-36-3 0.10 10		
(sum of all PCB isomers, or all Aroclors)			
Pentachlorobenzene	608-93-5 0.055 10		
1,2,4,5-Tetrachlorobenzene	95-94-3 0.055 14		

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1,2,4-Trichlorobenzene	120-82-1	0.055	19
K086			
Solvent wastes and sludges, caustic washes and sludges, or water washes and sludges from cleaning tubs and equipment used in the formulation of ink from pigments, driers, soaps, and stabilizers containing chromium and lead.			
Acetone	67-64-1	0.28	160
Acetophenone	96-86-2	0.010	9.7
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
n-Butyl alcohol	71-36-3	5.6	2.6
Butylbenzyl phthalate	85-68-7	0.017	28
Cyclohexanone	108-94-1	0.36	NA
o-Dichlorobenzene	95-50-1	0.088	6.0
Diethyl phthalate	84-66-2	0.20	28
Dimethyl phthalate	131-11-3	0.047	28
Di-n-butyl phthalate	84-74-2	0.057	28
Di-n-octyl phthalate	117-84-0	0.017	28
Ethyl acetate	141-78-6	0.34	33
Ethylbenzene	100-41-4	0.057	10
Methanol	67-56-1	5.6	NA
Methyl ethyl ketone	78-93-3	0.28	36
Methyl isobutyl ketone	108-10-1	0.14	33
Methylene chloride	75-09-2	0.089	30
Naphthalene	91-20-3	0.059	5.6
Nitrobenzene	98-95-3	0.068	14
Toluene	108-88-3	0.080	10
1,1,1-Trichloroethane	71-55-6	0.054	6.0
Trichloroethylene	79-01-6	0.054	6.0
Xylenes-mixed isomers	1330-20-7	0.32	30
(sum of o-, m-, and p- xylene concentrations)	1330-20-7	0.32	30
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Cyanides (Total)(7)	57-12-5	1.2	590
Lead	7439-92-1	0.69	0.75 mg/l TCLP
K087			
Decanter tank tar sludge from coking operations.			
Acenaphthylene	208-96-8	0.059	3.4
Benzene	71-43-2	0.14	10
Chrysene	218-01-9	0.059	3.4
Fluoranthene	206-44-0	0.068	3.4
Indenol(1,2,3-cd)pyrene	193-39-5	0.0055	3.4
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	85-01-8	0.059	5.6
Toluene	108-88-3	0.080	10
Xylenes-mixed isomers (sum of o-, m-, and p-	1330-20-7	0.32	30

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xylene concentrations)	7439-92-1	0.069	0.75 mg/l TCLP
Lead			
K088			
Spent potliners from primary aluminum reduction.			
Acenaphthene	83-32-9	0.059	3.4
Anthracene	120-12-7	0.059	3.4
Benz(a)anthracene	56-55-3	0.059	3.4
Benz(b)fluoranthene	50-32-8	0.061	3.4
Benz(k)fluoranthene	205-99-2	0.11	6.8
Benz(g,h,i)perylene	207-08-9	0.11	6.8
Benzo(a,h)anthracene	191-24-2	0.0055	1.8
Chrysene	218-01-9	0.059	3.4
DiBenz(a,h)anthracene	53-70-3	0.055	8.2
Fluoranthene	206-44-0	0.068	3.4
Indeno(1,2,3-c,d)pyrene	193-39-5	0.0055	3.4
Phenanthrene	85-01-8	0.059	5.6
Pyrene	129-00-0	0.067	8.2
Antimony	7440-36-0	1.9	1.15 mg/l TCLP
Arsenic	7440-38-2	1.4	26.15-6 mg/l TCLP
Barium	7440-39-3	1.2	21.02± mg/l TCLP
Beryllium	7440-41-7	0.82	1.22 mg/l TCLP
Cadmium	7440-43-9	0.69	0.11 mg/l TCLP
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP
Lead	7439-92-1	0.69	0.75 mg/l TCLP
Mercury	7439-97-6	0.15	0.025 mg/l TCLP
Nickel	7440-02-0	3.98	11 mg/l TCLP
Selenium	7782-49-2	0.82	5.7 mg/l TCLP
Silver	7440-22-4	0.43	0.14 mg/l TCLP
Cyanide (Total)(7)	57-12-5	1.2	590
Cyanide (Amenable)(7)	57-12-5	0.86	30
Fluoride	16984-48-8	35	48 mg/l TCLP
K093			
Distillation light ends from the production of phthalic anhydride from ortho-xylene.			
Phthalic anhydride (measured as phthalic acid or Terephthalic acid)	100-21-0	0.055	28
Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	85-44-9	0.055	28
K094			

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Distillation bottoms from the production of phthalic anhydride from ortho-xylene, Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	100-21-0	0.055	28
Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	85-44-9	0.055	28
K095 Distillation bottoms from the production of 1,1,1-trichloroethane.			
Hexachloroethane	67-72-1	0.055	30
Pentachloroethane	76-01-7	0.055	6.0
1,1,1,1,2-Tetrachloroethane	630-20-6	0.057	6.0
1,1,2,2-Tetrachloroethane	79-34-6	0.057	6.0
Tetrachloroethylene	127-18-4	0.056	6.0
1,1,2-Trichloroethane	79-00-5	0.054	6.0
Trichloroethylene	79-01-6	0.054	6.0
K096 Heavy ends from the heavy ends column from the production of 1,1,1-trichloroethane.			
m-Dichlorobenzene	541-73-1	0.036	6.0
Pentachloroethane	76-01-7	0.055	6.0
1,1,1,2-Tetrachloroethane	630-20-6	0.057	6.0
1,1,2,2-Tetrachloroethane	79-34-6	0.057	6.0
Tetrachloroethylene	127-18-4	0.056	6.0
1,2,4-Trichlorobenzene	120-82-1	0.055	19
1,1,2-Trichloroethane	79-00-5	0.054	6.0
Trichloroethylene	79-01-6	0.054	6.0

K097 Vacuum stripper discharge from the chloridane chlorinator in the production of chloridane.			
Chloridane alpha and gamma isomers)	57-74-9	0.0033	0.26
Heptachlor	76-44-8	0.0012	0.066
Heptachlor epoxide	1024-57-3	0.016	0.066
Hexachlorocyclopentadiene	77-47-4	0.057	2.4

K098

Process residues from aniline extraction from the production of aniline.

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Untreated process wastewater from the production of toxaphene.	8001-35-2	0.0095	2.6
K099 Untreated wastewater from the production of 2,4-D.			
2,4-Dichlorophenoxyacetic acid	94-75-7	0.72	10
HxCDDs (All Hexachlorodibenzo-p-dioxins)	NA	0.000063	0.001
HxCDFs (All Hexachlorodibenzofurans)	NA	0.000063	0.001
PeCDDs (All Pentachlorodibenzo-p-dioxins)	NA	0.000063	0.001
PeCDFs (All Pentachlorodibenzofurans)	NA	0.000035	0.001
TCDDs (All Tetrachlorodibenzo-p-dioxins)	NA	0.000063	0.001
TCDFs (All Tetrachlorodibenzofurans)	NA	0.000063	0.001

K100

Waste leaching solution from acid leaching of emission control dust or sludge from secondary lead smelting.	7440-43-9	0.69	0.11 mg/l TCLP
Cadmium	7440-43-9	2.77	0.60 mg/l TCLP
Chromium (Total)	7440-43-9	0.69	0.75 mg/l TCLP
Lead	7439-92-1		

K101 Distillation tar residues from the distillation of aniline-based compounds in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.

o-Nitroaniline	88-74-4	0.27	14
Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
Cadmium	7440-43-9	0.69	NA
Lead	7439-92-1	0.69	NA
Mercury	7439-97-6	0.15	NA

K102

Residue from the use of activated carbon for decolorization in the production of veterinary pharmaceuticals from arsenic or organo-arsenic compounds.

o-Nitrophenol	88-75-5	0.028	13
Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
Cadmium	7440-43-9	0.69	NA
Lead	7439-92-1	0.69	NA
Mercury	7439-97-6	0.15	NA

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K107
Column bottoms from product separation from the production of
1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.
NA CMBST;
or CHOXD fb
CARN; or
BIODG fb CARN

K108
Condensed column overheads from product separation and condensed reactor vent
gases from the production of 1,1-dimethylhydrazine (UDMH) from carboxylic acid
hydrazides.
NA CMBST;
or CHOXD fb
CARN; or
BIODG fb CARN

K109
Spent filter cartridges from product purification from the production of
1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.
NA CMBST;
or CHOXD fb
CARN; or
BIODG fb CARN

K110
Condensed column overheads from intermediate separation from the production of
1,1-dimethylhydrazine (UDMH) from carboxylic acid hydrazides.
NA CMBST;
or CHOXD fb
CARN; or
BIODG fb CARN

K111
Product washwaters from the production of dinitrotoluene via nitration of
toluene.
121-1-1 0.32 140
2,4-Dinitrotoluene
2,6-Dinitrotoluene 606-20-2 0.55 28

K112
Reaction by-product water from the drying column in the production of
toluenediamine via hydrogenation of dinitrotoluene.
NA CMBST;
or CHOXD fb
CARN; or
BIODG fb CARN

K113

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K104
Combined wastewater streams generated from nitrobenzene or aniline production.
Aniline 62-53-3 0.81 14
Benzene 71-43-2 0.14 10
2,4-Dinitrophenol 51-28-5 0.12 160
Nitrobenzene 98-95-3 0.068 14
Phenol 108-95-2 0.039 6.2
Cyanides (Total)(7)
57-12-5 1.2 590

K105
Separated aqueous stream from the reactor product washing step in the
production of chlorobenzenes.
Benzene 71-43-2 0.14 10
Chlorobenzene 108-90-7 0.057 6.0
2-Chlorophenol 95-57-8 0.044 5.7
o-Dichlorobenzene 95-50-1 0.088 6.0
p-Dichlorobenzene 106-46-7 0.090 6.0
Phenol 108-95-2 0.039 6.2
2,4,5-Trichlorophenol 95-95-4 0.18 7.4
2,4,6-Trichlorophenol 88-06-2 0.035 7.4

K106
Wastewater treatment sludge from the mercury cell process in chlorine
production) nonwastewaters that contain greater than or equal to 260 mg/kg
total mercury.
Mercury 7439-97-6 NA RMERC

K106
Wastewater treatment sludge from the mercury cell process in chlorine
production) nonwastewaters that contain less than 260 mg/kg total mercury that
are residues from RMERC.
Mercury 7439-97-6 NA 0.20 mg/1 TCLP

K106
Other K106 nonwastewaters that contain less than 260 mg/kg total mercury and
are not residues from RMERC.
Mercury 7439-97-6 NA 0.025 mg/1
TCLP

K106
All K106 wastewaters.
Mercury 7439-97-6 0.15 NA

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Condensed liquid light ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.	NA CMBST; or CMBST		
K114 Vicinals from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.	NA CMBST; or CMBST		
K115 Heavy ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.	NA CMBST		
Nickel 7440-02-0	3.98 CMBST; or CMBST	11 mg/l TCLP CMBST	
K116 Organic condensate from the solvent recovery column in the production of toluene diisocyanate via phosgenation of toluenediamine.	NA CMBST		
K117 Wastewater from the reactor vent gas scrubber in the production of ethylene dibromide via bromination of ethene.	0.11 Methyl bromide (Bromo- methane) 6.0 Chloroform Ethylene- dibromide (1,2- Dibromoethane)	15 6.0 15	
K118 Spent absorbent solids from purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.	0.11 Methyl bromide (Bromo- methane) 6.0 Chloroform Ethylene dibromide (1,2-Dibromoethane)	15 6.0 15	
K119 Spent absorbent solids from the production of methyl bromide.	0.11 Methyl bromide (Bromo- methane)	15	
K120 Spent absorbent and wastewater separator solids from the production of methyl bromide.	0.11 Methyl bromide (Bromo- methane)	15	
K121 Still bottoms from the purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.	0.11 Methyl bromide (Bromo- methane) Chloroform Ethylene dibromide (1,2-Dibromoethane)	15 6.0 15	
K122 Process wastewater (including supernates, filtrates, and washwaters) from the production of ethylene dibromide and its salts.	NA CMBST; or CHOXD fb		

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Condensed liquid light ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.	NA CMBST; or CMBST		
K114 Vicinals from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.	NA CMBST; or CMBST		
K115 Heavy ends from the purification of toluenediamine in the production of toluenediamine via hydrogenation of dinitrotoluene.	NA CMBST		
Nickel 7440-02-0	3.98 CMBST; or CMBST	11 mg/l TCLP CMBST	
K116 Organic condensate from the solvent recovery column in the production of toluene diisocyanate via phosgenation of toluenediamine.	NA CMBST		
K117 Wastewater from the reactor vent gas scrubber in the production of ethylene dibromide via bromination of ethene.	0.11 Methyl bromide (Bromo- methane) 6.0 Chloroform Ethylene- dibromide (1,2- Dibromoethane)	15 6.0 15	
K118 Spent absorbent solids from purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.	0.11 Methyl bromide (Bromo- methane) 6.0 Chloroform Ethylene dibromide (1,2-Dibromoethane)	15 6.0 15	
K119 Spent absorbent and wastewater separator solids from the production of methyl bromide.	0.11 Methyl bromide (Bromo- methane)	15	
K120 Spent absorbent and wastewater separator solids from the production of methyl bromide.	0.11 Methyl bromide (Bromo- methane)	15	
K121 Still bottoms from the purification of ethylene dibromide in the production of ethylene dibromide via bromination of ethene.	0.11 Methyl bromide (Bromo- methane) Chloroform Ethylene dibromide (1,2-Dibromoethane)	15 6.0 15	
K122 Process wastewater (including supernates, filtrates, and washwaters) from the production of ethylene dibromide and its salts.	NA CMBST; or CHOXD fb		

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K141
Process residues from the recovery of coal tar, including, but not limited to, collecting sump residues from the production of coke or the recovery of coke by-products produced from coal. This listing does not include K087 (decanter tank tar sludge from coking operations).

Benzene	71-43-2	0.14	10
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-2-8	0.061	3.4
Benzo(b)fluoranthene	205-99-2	0.11	6.8
(difficult to distinguish from benzo-(k)fluoranthene)			
Benzo(k)fluoranthene	207-08-9	0.11	6.8
(difficult to distinguish from benzo-(b)fluoranthene)			
Chrysene	218-01-9	0.059	3.4
Diben (a,h)anthracene	53-70-3	0.055	8.2
Indeno(1,2,3-cd)pyrene	193-39-5	0.0055	3.4

K142
Tar storage tank residues from the production of coke from coal or from the recovery of coke by-products produced from coal.

Benzene	71-43-2	0.14	10
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
Benzo(b)fluoranthene	205-99-2	0.11	6.8
(difficult to distinguish from benzo-(k)fluoranthene)			
Benzo(k)fluoranthene	207-08-9	0.11	6.8
(difficult to distinguish from benzo-(b)fluoranthene)			
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Ideno(1,2,3-cd)pyrene	193-39-5	0.0055	3.4

K143
Process residues from the recovery of light oil, including, but not limited to, those generated in stills, decanters, and wash oil recovery units from the recovery of coke by-products produced from coal.

Benzene	71-43-2	0.14	10
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
Benzo(b)fluoranthene	205-99-2	0.11	6.8
(difficult to distinguish from benzo-			

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(k)fluoranthene)			
Benzo(k)fluoranthene	207-08-9	0.11	6.8
(difficult to distinguish from benzo-(b)fluoranthene)			
Chrysene	218-01-9	0.059	3.4

K144
Wastewater sump residues from light oil refining, including, but not limited to, intercepting or contamination sump sludges from the recovery of coke by-products produced from coal.

Benzene	71-43-2	0.14	10
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
Benzo(b)fluoranthene	205-99-2	0.11	6.8
(difficult to distinguish from benzo-(k)fluoranthene)			
Benzo(k)fluoranthene	207-08-9	0.11	6.8
(difficult to distinguish from benzo-(b)fluoranthene)			
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2

K145
Residues from naphthalene collection and recovery operations from the recovery of coke by-products produced from coal.

Benzene	71-43-2	0.14	10
Benz(a)anthracene	56-55-3	0.059	3.4
Benz(a)pyrene	50-32-8	0.061	3.4
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Naphthalene	91-20-3	0.059	5.6

K147
Tar storage tank residues from coal tar refining.

Benzene	71-43-2	0.14	10
Benz(a)anthracene	56-55-3	0.059	3.4
Benzo(a)pyrene	50-32-8	0.061	3.4
Benzo(b)fluoranthene	205-99-2	0.11	6.8
(difficult to distinguish from benzo-(k)fluoranthene)			
Benzo(k)fluoranthene	207-08-9	0.11	6.8
(difficult to distinguish from benzo-(b)fluoranthene)			

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Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Indeno(1,2,3-cd)pyrene	193-39-5	0.0055	3.4

K148
Residues from coal tar distillation, including, but not limited to, still bottoms.

Benz(a)anthracene	56-55-3	0.059	3.4
Benz(a)pyrene	50-32-8	0.061	3.4
Benz(b)fluoranthene	205-99-2	0.11	6.8

(difficult to distinguish from benzo-(k)fluoranthene)

Benz(k)fluoranthene	207-08-9	0.11	6.8
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(difficult to distinguish from benzo-(b)fluoranthene)

Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Indeno(1,2,3-cd)pyrene	193-39-5	0.0055	3.4

K149
Distillation bottoms from the production of alpha- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups. (This waste does not include still bottoms from the distillations of benzyl chloride.)

Chlorobenzene	108-90-7	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Chloromethane	74-87-3	0.19	30
p-Dichlorobenzene	106-46-7	0.090	6.0
Hexachlorobenzene	118-74-1	0.055	10
Pentachlorobenzene	608-93-5	0.055	10
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
Toluene	108-88-3	0.080	10

K150
Organic residuals, excluding spent carbon adsorbent, from the spent chlorine gas and hydrochloric acid recovery processes associated with the production of alpha- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups.

Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Chloromethane	74-87-3	0.19	30
p-Dichlorobenzene	106-46-7	0.090	6.0
Hexachlorobenzene	118-74-1	0.055	10
Pentachlorobenzene	608-93-5	0.055	10
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14

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benzene	79-34-5	0.057	6.0
1,1,2,2-Tetrachloroethane	127-18-4	0.056	6.0
Tetrachloroethylene	120-82-1	0.055	19

K151
Wastewater treatment sludges, excluding neutralization and biological sludges, generated during the treatment of wastewaters from the production of alpha- (or methyl-) chlorinated toluenes, ring-chlorinated toluenes, benzoyl chlorides, and compounds with mixtures of these functional groups.

Benzene	71-43-2	0.14	10
Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Hexachlorobenzene	118-74-1	0.055	10
Pentachlorobenzene	608-93-5	0.055	10
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14
Tetrachloroethylene	127-18-4	0.056	6.0
Toluene	108-88-3	0.080	10

K156
Organic waste (including heavy ends, still bottoms, light ends, spent solvents, filtrates, and decantates) from the production of carbamates and carbamoyl oxides. (This waste does not apply to wastes generated from the manufacture of 3-tode-2-propyl-n-butylcarbamate-7(10).

Acetonitrile	75-05-8	5.6	1.93H
Acetophenone	96-86-2	0.010	9.7
Aniline	62-53-3	0.81	14
Benzene	17804-33-2	0.056	1.4
Benzoyl	71-43-2	0.14	10
Carbaryl	63-25-21	0.006	0.14
Carbenzadim	10605-21-7	0.056	1.4
Carbosulfan	1563-66-2	0.006	0.14
Carbosulfan	55285-14-8	0.028	1.4
Chlorobenzene	108-90-7	0.057	6.0
Chloroform	67-66-3	0.046	6.0
o-Dichlorobenzene	95-50-1	0.088	6.0
Methomyl	16752-77-5	0.028	0.14
Methylene chloride	75-09-2	0.089	30
Methyl ethyl ketone	78-93-3	0.28	36
Naphthalene	91-20-3	0.059	5.6
Phenol	108-95-2	0.039	6.2
Pyridine	110-86-1	0.014	16
Toluene	108-88-3	0.080	10
Triethylamine	121-44-8	0.081	1.5

K157

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Wastewaters (including scrubber waters, condenser waters, washwaters, and separation waters) from the production of carbamates and carbamoyl oximes. ~~(this listing does not apply to wastes generated from the manufacture of 3-todo-2-propyl-n-butylcarbamate.†††††)~~

Carbon tetrachloride	56-23-5	0.057	6.0
Chloroform	67-66-3	0.046	6.0
Chloromethane	74-87-3	0.19	30
Methanol	16752-77-5	0.028	0.14
Methylene chloride	75-09-2	0.089	30
Methyl ethyl ketone	78-93-3	0.28	36
o-Phenylenediamine	95-54-5	8-856	5-6
Pyridine	110-86-1	0.014	16
Triethylamine	121-44-8	0.081	1.5

K158 Baghouse dusts and filter/separation solids from the production of carbamates and carbamoyl oximes. ~~(this listing does not apply to wastes generated from the manufacture of 3-todo-2-propyl-n-butylcarbamate.†††††)~~

Benomyl	17804-35-2	0.056	1.4
Benzene	71-43-2	0.14	10
Carbenzadim	10605-21-7	0.056	1.4
Carbofuran	1563-66-2	0.006	0.14
Carbosulfan	55285-14-8	0.028	1.4
Chloroform	67-66-3	0.046	6.0
Methylene chloride	75-09-2	0.089	30
Phenol	108-95-2	0.039	6.2

K159 Organics from the treatment of thiocarbamate wastes. (10)

Benzene	71-43-2	0.14	10
Butylate	2008-41-5	0.042	1.4
EPTC (Eptan)	759-94-4	0.042	1.4
Molinate	2212-67-1	0.042	1.4
Pebulate	1114-71-2	0.042	1.4
Vernolate	1929-77-7	0.042	1.4

K161 Purification solids (including filtration, evaporation, and centrifugation solids), baghouse dust and floor sweepings from the production of dithiocarbamate acids and their salts.†††††

Antimony	7440-36-0	1.9	1.15(11) mg/i-REBP
Arsenic	7440-38-2	1.4	5.0(11) mg/i-REBP
Carbon disulfide	75-15-0	3.8	4.8(11) mg/i-REBP
Dithiocarbamates (total)	137-30-4NA	0.028	28
Lead	7439-92-1	0.69	0.75(11) mg/i-REBP
Nickel	7440-02-0	3.98	11(11) mg/i-REBP
Selenium	7782-49-2	0.82	5.7(11) mg/i-REBP

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K169 Crude oil tank sediment from petroleum refining operations.

Benzene	56-55-3	0.059	3.4
Benz(a)anthracene	171-43-2	0.14	10
Benz(g,h,i)perylene	191-24-2	0.0055	1.8
Chrysene	218-01-9	0.059	3.4
Ethyl benzene	100-41-4	0.057	10
Fluorene	86-73-7	0.059	3.4
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	81-05-8	0.059	5.6
Pyrene	129-00-0	0.067	8.2
Toluene (Methyl Benzene)	108-88-3	0.080	10
Xylene(s) (Total)	1330-20-7	0.32	30

K170 Clarified slurry oil sediment from petroleum refining operations.

Benz(a)anthracene	56-55-3	0.059	3.4
Benzene	71-43-2	0.14	10
Benz(g,h,i)perylene	191-24-2	0.0055	1.8
Chrysene	218-01-9	0.059	3.4
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Ethyl benzene	100-41-4	0.057	10
Fluorene	86-73-7	0.059	3.4
Ideno(1,2,3-cd)pyrene	193-39-5	0.0055	3.4
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	81-05-8	0.059	5.6
Pyrene	129-00-0	0.067	8.2
Toluene (Methyl Benzene)	108-88-3	0.080	10
Xylene(s) (Total)	1330-20-7	0.32	30

K171 Spent hydrotreating catalyst from petroleum refining operations, including guard beds used to desulfurize feeds to other catalytic reactors. (This listing does not include inert support media.)

Benz(a)anthracene	56-55-3	0.059	3.4
Benzene	71-43-2	0.14	10
Chrysene	218-01-9	0.059	3.4
Ethyl benzene	100-41-4	0.057	10
Naphthalene	91-20-3	0.059	5.6
Phenanthrene	81-05-8	0.059	5.6
Pyrene	129-00-0	0.067	8.2
Toluene (Methyl Benzene)	108-88-3	0.080	10
Xylene(s) (Total)	1330-20-7	0.32	30
Arsenic	7740-38-2	1.4	5 mg/L TCLP
Nickel	7440-02-0	3.98	11.0 mg/L TCLP
Vanadium	7440-62-2	4.3	1.6 mg/L TCLP
Reactive sulfides	NA	DEACT	DEACT

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NOTICE OF ADOPTED AMENDMENTS

K172	Spent hydrotreating catalyst from petroleum refining operations, including guard beds used to desulfurize feeds to other catalytic reactors. (This listing does not include inert support media.)		
	Benzene	71-43-2	0.14
	Ethyl benzene	100-41-4	0.057
	Toluene (Methyl Benzene)	108-88-3	0.080
	Xylene(s) (Total)	1330-20-7	0.32
	Antimony	7740-36-0	1.9
	Arsenic	7740-38-2	1.4
	Nickel	7440-02-0	3.98
	Vanadium	7440-62-2	4.3
	Reactive Sulfides	NA	DEACT
P001	Warfarin, & salts, when present at concentrations greater than 0.3 percent		
	Warfarin	81-81-2	(WETOX or CHOXD) fb CARBN; or CMBST
P002	1-Acetyl-2-thiourea		
	1-Acetyl-2-thiourea	591-08-2	(WETOX or CHOXD) fb CARBN; or CMBST
P003	Acrolein		
	Acrolein	107-02-8	0.29
P004	Aldrin		
	Aldrin	309-00-2	0.021
P005	Allyl alcohol		
	Allyl alcohol	107-18-6	(WETOX or CHOXD) fb CARBN; or CMBST
P006	Aluminum phosphide		
	Aluminum phosphide	20859-73-8	CHOXD;CHRED; or CMBST

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P007	5-Aminomethyl-3-isoxazolol		
	5-Aminomethyl-3-isoxazolol	2763-96-4	(WETOX or CHOXD) fb CARBN; or CMBST
P008	4-Aminopyridine		
	4-Aminopyridine	504-24-5	(WETOX or CHOXD) fb CARBN; or CMBST
P009	Ammonium picrate		
	Ammonium picrate	131-74-8	CHOXD; CHRED; CARBN; BIODG; or CMBST
P010	Arsenic acid		
	Arsenic acid	7440-38-2	1.4
P011	Arsenic pentoxide		
	Arsenic	7440-38-2	1.4
P012	Arsenic trioxide		
	Arsenic	7440-38-2	1.4
P013	Barium cyanide		
	Barium cyanide	7440-39-3	NA
	Cyanides (Total) (7)	57-12-5	1.2
	Cyanides (Amendable) (7)	57-12-5	0.86
P014	Thiophenol (Benzene thiol)		
	Thiophenol (Benzene thiol)	108-98-5	(WETOX or CHOXD) fb CARBN; or CMBST
P015	Beryllium dust		

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Beryllium	7440-41-7	RMETL; or RTHERM	
P016			
Dichloromethyl ether (Bis(chloromethyl)ether)			
Dichloromethyl ether	542-88-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P017			
Bromoacetone	598-31-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P018			
Brucine	357-57-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P020			
2-sec-Butyl-4,6-dinitrophenol (Dinoseb)			
2-sec-Butyl-4,6-dinitro- phenol (Dinoseb)	88-85-7	0.066	2.5
P021			
Calcium cyanide	57-12-5	1.2	590
Cyanides (Total)(7)	57-12-5	0.86	30
Cyanides (Amenable)(7)			
P022			
Carbon disulfide	75-15-0	3.8	CMBST
Carbon disulfide	75-15-0	NA	4.8 mg/l TCLP
Carbon disulfide; alternate(6) standard for nonwastewaters only			
P023			
Chloroacetaldehyde	107-20-0	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

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P024			
p-Chloroaniline	106-47-8	0.46	16
P026			
1-(o-Chlorophenyl)thiourea		(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
1-(o-Chlorophenyl)thio- urea	5344-82-1		
P027			
3-Chloropropionitrile		(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
3-Chloropropionitrile	542-76-7		
P028			
Benzyl chloride		(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
Benzyl chloride	100-44-7		
P029			
Copper cyanide		1.2	590
Cyanides (Total)(7)	57-12-5	0.86	30
Cyanides (Amenable)(7)	57-12-5		
P030			
Cyanides (soluble salts and complexes)			
Cyanides (Total)(7)	57-12-5	1.2	590
Cyanides (Amenable)(7)	57-12-5	0.86	30
P031			
Cyanogen		CHOXD; WETOX; or CMBST	CHOXD; WETOX; or CMBST
Cyanogen	460-19-5		
P033			
Cyanogen chloride		CHOXD; WETOX; or CMBST	CHOXD; WETOX; or CMBST
Cyanogen chloride	506-77-4		
P034			
2-Cyclohexyl-4,6-dinitrophenol		(WETOX or	CMBST
2-Cyclohexyl-4,6-	131-89-5		

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dinitrophenol		CHOXD) fb CARBN; or CMBST	
P036 Dichlorophenylarsine Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
P037 Dieldrin Dieldrin	60-57-1	0.017	0.13
P038 Diethylarsine Arsenic	7440-38-2	1.4	5.0 mg/l TCLP
P039 Disulfoton Disulfoton	298-04-4	0.017	6.2
P040 O,O-Diethyl-O-pyrazinyl-phosphorothioate O,O-Diethyl-O-pyrazinyl- phosphorothioate	297-97-2	CARBN; or CMBST	CMBST
P041 Diethyl-p-nitrophenyl phosphate Diethyl-p-nitrophenyl phosphate	311-45-5	CARBN; or CMBST	CMBST
P042 Epinephrine Epinephrine	51-43-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P043 Diisopropylfluorophosphate (DFF) Diisopropylfluoro- phosphate (DFF)	55-91-4	CARBN; or CMBST	CMBST
P044 Dimethoate Dimethoate	60-51-5	CARBN; or CMBST	CMBST
P045			

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Thiofanox Thiofanox	39196-18-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P046 alpha,alpha-Dimethylphenethylamine alpha,alpha-Dimethyl- phenethylamine	122-09-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P047 4,6-Dinitro-O-cresol 4,6-Dinitro-O-cresol	543-52-1	0.28	160
P047 NA 4,6-Dinitro-O-cresol salts NA	NA	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P048 2,4-Dinitrophenol 2,4-Dinitrophenol	51-28-5	0.12	160
P049 Dithiobiuret Dithiobiuret	541-53-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
P050 Endosulfan Endosulfan I Endosulfan II Endosulfan sulfate	939-98-8 33213-6-5 1031-07-8	0.023 0.029 0.029	0.066 0.13 0.13
P051 Endrin Endrin Endrin aldehyde	72-20-8 7421-93-4	0.0028 0.025	0.13 0.13
P054 Aziridine			

POLLUTION CONTROL BOARD

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Aziridine
151-56-4
(WETOX or
CHOXD) fb
CAREN; or
CMBST

ADGAS	Fluorine	ADGAS
16964-48-8	Fluorine	16964-48-8
35	Fluoride (measured in wastewaters only)	35

P057
Fluoroacetamide
Fluoroacetamide
640-19-7
(WETOX or
CHOXD) fb
CAREN; or
CMRSM

0058 Fluoroacetic acid, sodium salt
62-74-8
Fluoroacetic acid,
sodium salt
(WETOX or
CHOXD) fb
CARBN; or
CWRST

p059		
Heptachlor		
Heptachlor	76-44-8	0.0012
Heptachlor epoxide	1024-57-3	0.016

e060	
Isodrin	
Isodrin	465-73-6
	0.021

P062 Hexaethyl tetraphosphate
Hexaethyl tetraphosphate 757-58-4
CAREN; or
CMBST

P063		
Hydrogen cyanide		
Cyanides (Total) (7)	57-12-5	1.2
Cyanides (Amenable) (7)	57-12-5	0.86

0064
Isocyanic acid, ethyl ester
Isocyanic acid, ethyl ester
624-83-9
(WETOX or
CHOXD) fb
CARBN: or

CMBST

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P065
P065 (mercury fulminate) nonwastewaters, regarding content, that are not incinerator residues or are Mercury
7439-97-6
NA

p065
p065 (mercury fulminate) nonwastewaters that are either incinerator residues or
residues from RMERC; and contain greater than or equal to 260 mg/kg total
mercury.

Mercury	7339-97-6	RMERC
p065		
p065 (mercury fulminate) nonwastewaters that contain less than 260 mg/kg total mercury.		
Mercury	7439-97-6	NA

P065	
P065 (mercury fulminate) nonwastewaters that are incinerator residues and contain less than 260 mg/kg total mercury.	
Mercury	7439-97-6 NA 0.025 mg/l TCLP

P065		
ALL P065 (mercury fulminate) wastewaters.		
Mercury	7439-97-6	0.15
		NA

P066
Methomyl
Methomyl
16752-77-5
(WETOX)
CHOXD
CARBN
CMBST

P067
2-Methyl-aziridine
2-Methyl-aziridine
75-55-8
(WETO)
CHOXD
CARBN
CWBST

P068
Methyl hydrazine
Methyl hydrazine
60-34-4
CHOXD
CARBN
or CME

CHOXD; CHRED,
or CMBST

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NOTICE OF ADOPTED AMENDMENTS

P069 2-Methylacetonitrile 2-Methylacetonitrile	75-86-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST		
P070 Aldicarb Aldicarb	116-06-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST		
P071 Methyl parathion Methyl parathion	298-00-0	0.014	4.6		
P072 1-Naphthyl-2-thiourea 1-Naphthyl-2-thiourea	86-88-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST		
P073 Nickel carbonyl Nickel	7440-02-0	3.98	11 mg/l TCLP		
P074 Nickel cyanide Cyanides (Total)(7) Cyanides (Amenable)(7) Nickel	57-12-5 57-12-5 7440-02-0	1.2 0.86 3.98			
P075 Nicotine and salts Nicotine and salts	54-11-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST		
P076 Nitric oxide Nitric oxide	10102-43-9	ADGAS	ADGAS		
P077 p-Nitroaniline					

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p-Nitroaniline	100-01-6	0.028	28		
P078 Nitrogen dioxide Nitrogen dioxide	10102-44-0	ADGAS	ADGAS		
P081 Nitroglycerin Nitroglycerin	55-63-0	CHOXD; CHRED; CARBN; BLODG or CMBST	CHOXD; CHRED; CARBN; BLODG or CMBST		
P082 N-Nitrosodimethylamine N-Nitrosodimethylamine	62-75-9	0.40	2.3		
P084 N-Nitrosomethylvinylamine N-Nitrosomethylvinyl- amine	4549-40-0	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST		
P085 Octamethylpyrophosphoramide Octamethylpyrophosphor- amide	152-16-9	CARBN; or CMBST	CMBST		
P087 Osmium tetroxide Osmium tetroxide	20816-12-0	RMETL; or RTHRM	RMETL; or RTHRM		
P088 Endothall Endothall	145-73-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST		
P089 Parathion Parathion	56-38-2	0.014	4.6		
P092 p92 (phenyl mercuric acetate) nonwastewaters, regardless of their total mercury content, that are not incinerator residues or are not residues from RMERC.					

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Mercury	7439-97-6	NA	IMERC; or RMERC	
P092				
P092 (phenyl mercuric acetate) nonwastewaters that are either incinerator residues or are residues from RMERC; and still contain greater than or equal to 260 mg/kg total mercury.				
Mercury	7439-97-6	NA	RMERC	
P092				
P092 (phenyl mercuric acetate) nonwastewaters that are residues from RMERC and contain less than 260 mg/kg total mercury.				
Mercury	7439-97-6	NA	0.20 mg/l TCLP	
P092				
P092 (phenyl mercuric acetate) nonwastewaters that are incinerator residues and contain less than 260 mg/kg total mercury.				
Mercury	7439-97-6	NA	0.025 mg/l TCLP	
P092				
All P092 (phenyl mercuric acetate) wastewaters.				
Mercury	7439-97-6	0.15	NA	
P093				
Phenythiourea				
Phenythiourea	103-85-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
P094				
Phorate				
Phorate	298-02-2	0.021	4.6	
P095				
Phosgene				
Phosgene	75-44-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
P096				
Phosphine				
Phosphine	7803-51-2	CHOXD; CHRED; or CMBST	CHOXD; CHRED; or CMBST	
P097				
Famphur				

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Famphur	52-85-7	0.017		15
P098				
Potassium cyanide.				
Cyanides (Total)(7)	57-12-5	1.2		590
Cyanides (Amenable)(7)	57-12-5	0.86		30
P099				
Potassium silver cyanide				
Cyanides (Total)(7)	57-12-5	1.2		590
Cyanides (Amenable)(7)	57-12-5	0.86		30
Silver	7440-22-4	0.43		0.14 mg/l TCLP
PL01				
Ethyl cyanide (Propanenitrile)				
Ethyl cyanide	107-12-0	0.24		360
(Propanenitrile)				
PL02				
Propargyl alcohol				
Propargyl alcohol	107-19-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
PL03				
Selenourea				
Selenium	7782-49-2	0.82		5.7 mg/l TCLP
PL04				
Silver cyanide				
Cyanides (Total)(7)	57-12-5	1.2		590
Cyanides (Amenable)(7)	57-12-5	0.86		30
Silver	7440-22-4	0.43		0.14 mg/l TCLP
PL05				
Sodium azide				
Sodium azide	26628-22-8	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST	
PL06				
Sodium cyanide				
Cyanides (Total)(7)	57-12-5	1.2		590
Cyanides (Amenable)(7)	57-12-5	0.86		30
PL08				
Strychnine and salts				

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Strychnine and salts

57-24-9

(WETOX or
CHOXD) fb
CARBN; or
CMBST

CMBST

P109
Tetraethylthiopyrophosphate
Tetraethylthiopyro-
phosphate

3689-24-5

CARBN; or
CMBST

CMBST

P110
Tetraethyl lead
Lead

7439-92-1

0.69

0.75 mg/l TCLP

P111
Tetraethylpyrophosphate
Tetraethylpyrophosphate

107-49-3

CARBN; or
CMBST

CMBST

P112
Tetranitromethane
Tetranitromethane

509-14-8

CHOXD; CHRED;
CARBN; BIOG;
or CMBST

CHOXD; CHRED;
or CMBST

P113
Thallic oxide
Thallium (measured in
wastewaters only)

7440-28-0

1.4

RTHRM; or
STABL

P114
Thallium selenite
Selenium

7782-49-2

0.82

5.7 mg/l TCLP

P115
Thallium (I) sulfate
Thallium (measured in
wastewaters only)

7440-28-0

1.4

RTHRM; or
STABL

P116
Thiosemicarbazide
Thiosemicarbazide

79-19-6

(WETOX or
CHOXD) fb
CARBN; or
CMBST

CMBST

P118
Trichloromethanethiol

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Trichloromethanethiol

75-70-7

(WETOX or
CHOXD) fb
CARBN; or
CMBST

CMBST

P119
Ammonium vanadate
Vanadium (measured in
wastewaters only)

7440-62-2

4.3

STABL

P120
Vanadium pentoxide
Vanadium (measured in
wastewaters only)

7440-62-2

4.3

STABL

P121
Zinc cyanide
Cyanides (Total)(7)
Cyanides (Amenable)(7)

57-12-5
57-12-5

1.2
0.86

590
30

P122
Zinc phosphide
Zinc phosphide
percent

Zn[3]P[2], when present
1314-84-7

at concentrations
greater than 10

CHOXD; CHRED;
or CMBST

P123
Toxaphene
Toxaphene

8001-35-2

0.0095

2.6

P127
Carbofuran
Carbofuran

1563-66-2

0.006

0.14

P128
Mexacarbate
Mexacarbate

315-18-4

0.056

1.4

P185
Tirpate
Tirpate

26419-73-8

0.056

0.28

P188
Physostigmine
salicylate
Physostigmine
salicylate

57-64-7

0.056

1.4

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NOTICE OF ADOPTED AMENDMENTS		NOTICE OF ADOPTED AMENDMENTS	
Acrylamide	79-06-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U016		Benz(c)acridine Benz(c)acridine	225-51-4
			(WETOX or CHOXD) fb CARBN; or CMBST
			CMBST
U008	79-10-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
Acrylic acid			
U017		Benzal chloride Benzal chloride	98-87-3
			(WETOX or CHOXD) fb CARBN; or CMBST
			CMBST
U009	107-13-1	0.24	84
Acrylonitrile			
Acrylonitrile			
U010	50-07-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
Mitomycin C			
Mitomycin C			
U018		Benz(a)anthracene Benz(a)anthracene	56-55-3
			0.059
			3.4
U019		Benzene Benzene	71-43-2
			0.14
			10
U020		Benzenesulfonyl chloride Benzenesulfonyl chloride	98-09-9
			(WETOX or CHOXD) fb CARBN; or CMBST
			CMBST
U021		Benzidine Benzidine	92-87-5
			(WETOX or CHOXD) fb CARBN; or CMBST
			CMBST
U022		Benzo(a)pyrene Benzo(a)pyrene	50-32-8
			0.061
			3.4
U023		Benzotrifluoride Benzotrifluoride	98-07-7
			CHOXD; CHRED; CARBN; BIODG; or CMBST
			CHOXD; CHRED; or CMBST
U024		bis(2-Chloroethoxy)methane	

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

bis(2-Chloroethoxy)-methane	111-91-1	0.036	7.2	
U025				
bis(2-Chloroethyl)ether				
bis(2-Chloroethyl)ether	111-44-4	0.033	6.0	
U026				
Chloromaphazine				
Chloromaphazine	494-03-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
U027				
bis(2-Chloroisopropyl)ether				
bis(2-Chloroisopropyl)ether	39638-32-9	0.055	7.2	
U028				
bis(2-Ethylhexyl)phthalate				
bis(2-Ethylhexyl)-phthalate	117-81-7	0.28	28	
U029				
Methyl bromide (Bromomethane)				
Methyl bromide (Bromo-methane)	74-83-9	0.11	15	
U030				
4-Bromophenyl phenyl ether				
4-Bromophenyl phenyl ether	101-55-3	0.055	15	
U031				
n-Butyl alcohol				
n-Butyl alcohol	71-36-3	5.6	2.6	
U032				
Calcium chromate				
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP	
U033				
Carbon oxyfluoride				
Carbon oxyfluoride	353-50-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

U034				
Trichloroacetaldehyde (Chloral)				
Trichloroacetaldehyde (Chloral)	75-87-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
U035				
Chlorambucil				
Chlorambucil	305-03-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
U036				
Chlorthane				
Chlorthane (alpha and gamma isomers)	57-74-9	0.0033	0.26	
U037				
Chlorobenzene				
Chlorobenzene	108-90-7	0.057	6.0	
U038				
Chlorobenzilate				
Chlorobenzilate	510-15-6	0.10	CMBST	
U039				
p-Chloro-m-cresol				
p-Chloro-m-cresol	59-50-7	0.018	14	
U041				
Epichlorohydrin (1-Chloro-2,3-epoxypropane)				
Epichlorohydrin (1-Chloro-2,3-epoxypropane)	106-89-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
U042				
2-Chloroethyl vinyl ether				
2-Chloroethyl vinyl ether	110-75-8	0.062	CMBST	
U043				
Vinyl chloride				
Vinyl chloride	75-01-4	0.27	6.0	

POLLUTION CONTROL BOARD		POLLUTION CONTROL BOARD	
NOTICE OF ADOPTED AMENDMENTS		NOTICE OF ADOPTED AMENDMENTS	
U044 Chloroform	67-66-3	0.046	6.0
U045 Chloromethane (Methyl chloride)	74-87-3	0.19	30
U046 Chloromethyl methyl ether Chloromethyl methyl ether	107-30-2	(WETOX or CHOXD) fb CARBN: or CMBST	CMBST
U047 2-Chloronaphthalene	91-58-7	0.055	5.6
U048 2-Chlorophenol	95-57-8	0.044	5.7
U049 4-Chloro-o-toluidine hydrochloride	3165-93-3	(WETOX or CHOXD) fb CARBN: or CMBST	CMBST
U050 Chrysene	218-01-9	0.059	3.4
U051 Creosote	91-20-3	0.059	5.6
Naphthalene	87-86-5	0.089	7.4
Pentachlorophenol	85-01-8	0.059	5.6
Pyrene	129-00-0	0.067	8.2
Toluene	108-88-3	0.080	10
Xylenes-mixed isomers (sum of o-, m-, and p- xylene concentrations)	1330-20-7	0.32	30
Lead	7439-92-1	0.69	0.75 mg/l TCLP
U052 Cresols (Cresylic acid) o-Cresol m-Cresol (difficult to distinguish from p- cresol) p-Cresol (difficult to distinguish from m- cresol) Cresol-mixed isomers (Cresylic acid) (sum of o-, m-, and p- cresol concentrations)	95-48-7 108-39-4 106-44-5 1319-77-3	0.11 0.77 0.77 0.88	5.6 5.6 5.6 11.2
U053 Crotonaldehyde	4170-30-3	(WETOX or CHOXD) fb CARBN: or CMBST	CMBST
U055 Cumene	98-82-8	(WETOX or CHOXD) fb CARBN: or CMBST	CMBST
U056 Cyclohexane	110-82-7	(WETOX or CHOXD) fb CARBN: or CMBST	CMBST
U057 Cyclohexanone	108-94-1	0.36	CMBST
Cyclohexanone; alternate(6) standard for nonwastewaters only	108-94-1	NA	0.75 mg/l TCLP
U058 Cyclophosphamide	50-18-0	CARBN: or CMBST	CMBST

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Daunomycin	20830-81-3	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
Daunomycin				
U060	53-19-0	0.023	0.087	
DDD	72-54-8	0.023	0.087	
o,p'-DDD				
p,p'-DDD				
U061				
DDT	789-02-6	0.0039	0.087	
o,p'-DDT	50-29-3	0.0039	0.087	
p,p'-DDT	53-19-0	0.023	0.087	
o,p'-DDD	72-54-8	0.023	0.087	
p,p'-DDD	3424-82-6	0.031	0.087	
o,p'-DDE	72-55-9	0.031	0.087	
p,p'-DDE				
U062				
Diallate	2303-16-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
Diallate				

U063

Dibenz(a,h)anthracene
Dibenz(a,h)anthracene

53-70-3

0.055

8.2

U064

Dibenz(a,i)pyrene
Dibenz(a,i)pyrene

189-55-9

(WETOX or
CHOXD) fb
CARBN; or
CMBST

CMBST

U066

1,2-Dibromo-3-chloro-
propane
1,2-Dibromo-3-
chloropropane

96-12-8

0.11

15

U067
Ethylene dibromide (1,2-dibromoethane)

106-93-4

0.028

15

Ethylene dibromide
(1,2-dibromoethane)

POLLUTION CONTROL BOARD

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U068	74-95-3	0.11	15	
Dibromomethane				
Dibromomethane				
U069	84-74-2	0.057	28	
Di-n-butyl phthalate				
Di-n-butyl phthalate				
U070	95-50-1	0.088	6.0	
o-Dichlorobenzene				
o-Dichlorobenzene				
U071	541-73-1	0.036	6.0	
m-Dichlorobenzene				
m-Dichlorobenzene				
U072	106-46-7	0.090	6.0	
p-Dichlorobenzene				
p-Dichlorobenzene				
U073	91-94-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
3,3'-Dichlorobenzidine				
3,3'-Dichlorobenzidine				
U074	1476-11-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
1,4-Dichloro-2-butene				
cis-1,4-Dichloro-2- butene				
U075	764-41-0	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
trans-1,4-Dichloro-2- butene				
U076	75-71-8	0.23	7.2	
Dichlorodifluoromethane				
Dichlorodifluoromethane				
U077	75-34-3	0.059	6.0	
1,1-Dichloroethane				
1,1-Dichloroethane				
U077				
1,2-Dichloroethane				

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NOTICE OF ADOPTED AMENDMENTS

1,2-Dichloroethane	107-06-2	0.21	6.0	
U078				
1,1-Dichloroethylene	75-35-4	0.025	6.0	
1,1-Dichloroethylene				
U079				
1,2-Dichloroethylene	156-60-5	0.054	30	
trans-1,2-Dichloro-ethylene				
U080				
Methylene chloride	75-09-2	0.089	30	
Methylene chloride				
U081				
2,4-Dichlorophenol	120-83-2	0.044	14	
2,4-Dichlorophenol				
U082				
2,6-Dichlorophenol	87-65-0	0.044	14	
2,6-Dichlorophenol				
U083				
1,2-Dichloropropane	78-87-5	0.85	18	
1,2-Dichloropropane				
U084				
1,3-Dichloropropylene	10061-01-5	0.036	18	
cis-1,3-Dichloro-propylene				
trans-1,3-Dichloro-propylene	10061-02-6	0.036	18	
propylene				
U085				
1,2,3,4-Diepoxybutane	1464-53-5	(WETOX or CHOXD) fb	CMBST	
1,2,3,4-Diepoxybutane		CARBEN; or CMBST		
U086				
N,N'-Diethylhydrazine	1615-80-1	CHOXD; CHRED; CARBEN; BIOOG; or CMBST	CHOXD; CHRED; or CMBST	
N,N'-Diethylhydrazine				
U087				

POLLUTION CONTROL BOARD
NOTICE OF ADOPTED AMENDMENTS

O,O-Diethyl-S-methyldithiophosphate	3288-58-2	CARBEN; or CMBST	CMBST	
dithiophosphate				
U088				
Diethyl phthalate	84-66-2	0.20	28	
Diethyl phthalate				
U089				
Diethyl stilbestrol	56-53-1	(WETOX or CHOXD) fb	CMBST	
Diethyl stilbestrol		CARBEN; or CMBST		
U090				
Dihydrosafrole	94-58-6	(WETOX or CHOXD) fb	CMBST	
Dihydrosafrole		CARBEN; or CMBST		
U091				
3,3'-Dimethoxybenzidine	119-90-4	(WETOX or CHOXD) fb	CMBST	
3,3'-Dimethoxybenzidine		CARBEN; or CMBST		
U092				
Dimethylamine	124-40-3	(WETOX or CHOXD) fb	CMBST	
Dimethylamine		CARBEN; or CMBST		
U093				
P-Dimethylaminoazobenzene	60-11-7	0.13	CMBST	
P-Dimethylaminoazobenzene				
U094				
7,12-Dimethylbenz(a)anthracene	57-97-6	(WETOX or CHOXD) fb	CMBST	
7,12-Dimethylbenz(a)-anthracene		CARBEN; or CMBST		
U095				
3,3'-Dimethylbenzidine				

POLLUTION CONTROL BOARD

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3,3'-Dimethylbenzidine	119-93-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U096 alpha, alpha-Dimethyl benzyl hydroperoxide alpha, alpha-Dimethyl benzyl hydroperoxide	80-15-9	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
U097 Dimethylcarbamoyl chloride Dimethylcarbamoyl chloride	79-44-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U098 1,1-Dimethylhydrazine 1,1-Dimethylhydrazine	57-14-7	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
U099 1,2-Dimethylhydrazine 1,2-Dimethylhydrazine	540-73-8	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
U101 2,4-Dimethylphenol 2,4-Dimethylphenol	105-67-9	0.036	14
U102 Dimethyl phthalate Dimethyl phthalate	131-11-3	0.047	28
U103 Dimethyl sulfate Dimethyl sulfate	77-78-1	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
U105 2,4-Dinitrotoluene 2,4-Dinitrotoluene	121-14-2	0.32	140
U106 2,6-Dinitrotoluene			

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2,6-Dinitrotoluene	606-20-2	0.55	28
U107 Di-n-octyl phthalate Di-n-octyl phthalate	117-84-0	0.017	28
U108 1,4-Dioxane 1,4-Dioxane	123-91-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
1,4-Dioxane; alternate (6) standard for nonwastewaters only	123-91-1	CMBST 12.0	170
U109 1,2-Diphenylhydrazine 1,2-Diphenylhydrazine	122-66-7	CHOXD; CHRED; CARBN; BIODG; or CMBST	CHOXD; CHRED; or CMBST
1,2-Diphenylhydrazine; alternate(6) standard for wastewaters only	122-66-7	0.087	NA
U110 Dipropylamine Dipropylamine	142-84-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST
U111 Di-n-propylnitrosamine Di-n-propylnitrosamine	621-64-7	0.40	14
U112 Ethyl acetate Ethyl acetate	141-79-6	0.34	33
U113 Ethyl acrylate ethyl acrylate	140-88-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST

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NOTICE OF ADOPTED AMENDMENTS

U114 Ethylenebis(dithiocarbamic acid salts and esters Ethylenebis(dithio- carbamoyl acid carbamoyl acid	(WETOX or CHOXD) fb CAREN; or CMBST	CMBST	U122 Formaldehyde Formaldehyde	(WETOX or CHOXD) fb CAREN; or CMBST	CMBST
U115 Ethylene oxide Ethylene oxide	(WETOX or CHOXD) fb CAREN; or CMBST	CHOXD; or CMBST	U123 Formic acid Formic acid	(WETOX or CHOXD) fb CAREN; or CMBST	CMBST
Ethylene oxide; alternate(6) standard for wastewaters only	75-21-8	NA	U124 Furan Furan	110-00-9	CMBST
U116 Ethylene thiourea Ethylene thiourea	96-45-7	CMBST	U125 Furfural Furfural	98-01-1	CMBST
U117 Ethyl ether Ethyl ether	60-29-7	160	U126 Glycidylaldehyde Glycidylaldehyde	765-34-4	CMBST
U118 Ethyl methacrylate Ethyl methacrylate	97-63-2	160	U127 Hexachlorobenzene Hexachlorobenzene	118-74-1	10
U119 Ethyl methane sulfonate Ethyl methane sulfonate	62-50-0	CMBST	U128 Hexachlorobutadiene Hexachlorobutadiene	87-68-3	5.6
U120 Fluoranthene Fluoranthene	206-44-0	3.4	U129 Lindane alpha-BHC beta-BHC delta-BHC	319-84-6 319-85-7 319-86-8	0.066 0.066 0.066
U121 Trichloromonomofluoromethane Trichloromonomofluoro- methane	75-69-4	30			

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gamma-BHC (Lindane)	58-89-9	0.0017	0.066	
U130 Hexachlorocyclopentadiene				
Hexachlorocyclopenta- diene	77-47-4	0.057	2.4	
U131 Hexachloroethane				
Hexachloroethane	67-72-1	0.055	30	
U132 Hexachlororophene				
Hexachlorophene	70-30-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
U133 Hydrazine				
Hydrazine	302-01-2	CHOXD; CHRED; CARBN; BIOOG; or CMBST	CHOXD; CHRED; or CMBST	
U134 Hydrogen fluoride				
Fluoride (measured in wastewaters only)	16964-48-8	35	ADGAS fb NEUTR; or NEUTR	
U135 Hydrogen sulfide				
Hydrogen sulfide	7783-06-4	CHOXD; CHRED; or CMBST	CHOXD; CHRED; or CMBST	
U136 Cacodylic acid				
Arsenic	7440-38-2	1.4	5.0 mg/l TCLP	
U137 Indeno(1,2,3-c,d)pyrene				
Indeno(1,2,3-c,d)pyrene	193-39-5	0.0055	3.4	
U138 Iodomethane				
Iodomethane	74-88-4	0.19	65	
U140				

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Isobutyl alcohol				
Isobutyl alcohol	78-83-1	5.6	170	
U141 Isosafrole				
Isosafrole	120-58-1	0.081	2.6	
U142 Kepone				
Kepone	143-50-8	0.0011	0.13	
U143 Lasiocarpine				
Lasiocarpine	303-34-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
U144 Lead acetate				
Lead	7439-92-1	0.69	0.75 mg/l TCLP	
U145 Lead phosphate				
Lead	7439-92-1	0.69	0.75 mg/l TCLP	
U146 Lead subacetate				
Lead	7439-92-1	0.69	0.75 mg/l TCLP	
U147 Maleic anhydride				
Maleic anhydride	108-31-6	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
U148 Maleic hydrazide				
Maleic hydrazide	123-33-1	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
U149 Malonitrile				
Malonitrile	109-77-3	(WETOX or CHOXD) fb	CMBST	

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U150 Methanol	148-82-3 (WETOX or CHOXD) fb CARN; or CMBST	67-56-1 (WETOX or CHOXD) fb CARN; or CMBST	0.75 mg/l TCLP
U151 Methanol Methanol	148-82-3 (WETOX or CHOXD) fb CARN; or CMBST	67-56-1 (WETOX or CHOXD) fb CARN; or CMBST	0.75 mg/l TCLP
U151 Mercury	7439-97-6 NA	91-80-5 Methapyrene	1.5
U151 Mercury	7439-97-6 NA	79-22-1 Methyl chloroacetate Methyl chloroacetate	CMBST
U151 Mercury	7439-97-6 NA	0.20 mg/l TCLP	
U151 Mercury	7439-97-6 NA	56-49-5 3-Methylcholanthrene 3-Methylcholanthrene	15
U151 Mercury	7439-97-6 NA	0.025 mg/l TCLP	
U151 Mercury	7439-97-6 NA	0.50	30
U151 Mercury	7439-97-6 NA	0.28	36
U151 Mercury	7439-97-6 NA	0.14	33
U151 Mercury	7439-97-6 NA	0.14	160

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N-Methyl-N'-nitro-N-nitrosoguanidine N-Methyl-N'-nitro-N-nitrosoguanidine	70-25-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST		
U164 Methylthiouracil Methylthiouracil	56-04-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST		
U165 Naphthalene Naphthalene	91-20-3	0.059	5.6		
U166 1,4-Naphthoquinone 1,4-Naphthoquinone	130-15-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST		
U167 1-Naphthylamine 1-Naphthylamine	134-32-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST		
U168 2-Naphthylamine 2-Naphthylamine	91-59-8	0.52	CMBST		
U169 Nitrobenzene Nitrobenzene	98-95-3	0.068	14		
U170 p-Nitrophenol p-Nitrophenol	100-02-7	0.12	29		
U171 2-Nitropropane 2-Nitropropane	79-46-9	(WETOX or CHOXD) fb CARBN; or	CMBST		
U172 N-Nitrosodi-n-butylamine N-Nitrosodi-n-butylamine	924-16-3	0.40	17		
U173 N-Nitrosodiethanolamine N-Nitrosodiethanolamine	1116-54-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST		
U174 N-Nitrosodiethylamine N-Nitrosodiethylamine	55-18-5	0.40	28		
U176 N-Nitroso-N-ethylurea N-Nitroso-N-ethylurea	759-73-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST		
U177 N-Nitroso-N-methylurea N-Nitroso-N-methylurea	684-93-5	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST		
U178 N-Nitroso-N-methylurethane N-Nitroso-N-methylurethane	615-53-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST		
U179 N-Nitrosopiperidine N-Nitrosopiperidine	100-75-4	0.013	35		
U180 N-Nitrosopyrrolidine N-Nitrosopyrrolidine	930-55-2	0.013	35		
U181					

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5-Nitro-o-toluidine 5-Nitro-o-toluidine	99-55-8	0.32	28	
U182 Paraldehyde Paraldehyde	123-63-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
U183 Pentachlorobenzene Pentachlorobenzene	608-93-5	0.055	10	
U184 Pentachloroethane Pentachloroethane	76-01-7	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
Pentachloroethane; alternate(6) standards for both wastewaters and nonwastewaters	76-01-7	0.055	6.0	
U185 Pentachloronitrobenzene Pentachloronitrobenzene	82-68-8	0.055	4.8	
U186 1,3-Pentadiene 1,3-Pentadiene	504-60-9	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
U187 Phenacetin Phenacetin	62-44-2	0.081	16	
U188 Phenol Phenol	108-95-2	0.039	6.2	
U189 Phosphorus sulfide Phosphorus sulfide	1314-80-3	CHOXD; CHRED; or CMBST	CHOXD; CHRED; or CMBST	

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U190 Phthalic anhydride Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	100-21-0	0.055	28	
Phthalic anhydride (measured as Phthalic acid or Terephthalic acid)	85-44-9	0.055	28	
U191 2-Picoline 2-Picoline	109-06-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
U192 Pronamide Pronamide	23950-58-5	0.093	1.5	
U193 1,3-Propane sultone 1,3-Propane sultone	1120-71-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
U194 n-Propylamine n-Propylamine	107-10-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
U196 Pyridine Pyridine	110-86-1	0.014	16	
U197 p-Benzoquinone p-Benzoquinone	106-51-4	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
U200				

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Reserpine
Reserpine
50-55-5 (WETOX or CHOXD) fb CMBST
CARN; or CMBST

U201
Resorcinol
Resorcinol
108-46-3 (WETOX or CHOXD) fb CMBST
CARN; or CMBST

U202
Saccharin and salts
Saccharin
81-07-2 (WETOX or CHOXD) fb CMBST
CARN; or CMBST

U203
Safrrole
Safrrole
94-59-7 0.081 22

U204
Selenium dioxide
Selenium
7782-49-2 0.82 5.7 mg/l TCLP

U205
Selenium sulfide
Selenium
7782-49-2 0.82 5.7 mg/l TCLP

U206
Streptozotocin
Streptozotocin
18883-66-4 (WETOX or CHOXD) fb CMBST
CARN; or CMBST

U207
1,2,4,5-Tetrachlorobenzene
1,2,4,5-Tetrachloro-
benzene
95-94-3 0.055 14

U208
1,1,1,2-Tetrachloroethane
1,1,1,2-Tetrachloro-
ethane
630-20-6 0.057 6.0

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U209
1,1,1,2-Tetrachloroethane
1,1,1,2-Tetrachloro-
ethane
79-34-5 0.057 6.0

U210
Tetrachloroethylene
Tetrachloroethylene
127-18-4 0.056 6.0

U211
Carbon tetrachloride
Carbon tetrachloride
56-23-5 0.057 6.0

U213
Tetrahydrofuran
Tetrahydrofuran
109-99-9 (WETOX or CHOXD) fb CMBST
CARN; or CMBST

U214
Thallium (I) acetate
Thallium (measured in
wastewaters only)
7440-28-0 1.4 RTHRM; or STABL

U215
Thallium (I) carbonate
Thallium (measured in
wastewaters only)
7440-28-0 1.4 RTHRM; or STABL

U216
Thallium (I) chloride
Thallium (measured in
wastewaters only)
7440-28-0 1.4 RTHRM; or STABL

U217
Thallium (I) nitrate
Thallium (measured in
wastewaters only)
7440-28-0 1.4 RTHRM; or STABL

U218
Thioacetamide
Thioacetamide
62-55-5 (WETOX or CHOXD) fb CMBST
CARN; or CMBST

U219

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Thiourea Thiourea	62-56-6	(WETOX or CHOXD) fb CARN; or CMBST	CMBST	U235 tris-(2,3-Dibromopropyl)-phosphate tris-(2,3-Dibromo- propyl)-phosphate	0.11	0.10	CARN; or CMBST
Toluene Toluene	108-88-3	0.080	1.0	U236 Trypan Blue Trypan Blue	72-57-1		(WETOX or CHOXD) fb CARN; or CMBST
Toluenediamine Toluenediamine	25376-45-8	CARN; or CMBST	CMBST	U237 Uracil mustard Uracil mustard	66-75-1		(WETOX or CHOXD) fb CARN; or CMBST
o-Toluidine hydrochloride o-Toluidine hydro- chloride	636-21-5	(WETOX or CHOXD) fb CARN; or CMBST	CMBST	U238 Urethane (Ethyl carbamate) Urethane (Ethyl carbamate)	51-79-6		(WETOX or CHOXD) fb CARN; or CMBST
Toluene diisocyanate Toluene diisocyanate	26471-62-5	CARN; or CMBST	CMBST	U239 Xylenes Xylenes-mixed isomers (sum of o-, m-, and p- xylene concentrations)	1330-20-7	0.32	30
Bromoform (Tribromomethane) Bromoform (Tribromo- methane)	75-25-2	0.63	15	U240 2,4-D (2,4-dichlorophenoxyacetic acid) 2,4-D (2,4-Dichloro- phenoxyacetic acid)	94-75-7	0.72	1.0
1,1,1-Trichloroethane 1,1,1-Trichloroethane	71-55-6	0.054	6.0	2,4-D (2,4-Dichloro- phenoxyacetic acid) NA salts and esters		(WETOX or CHOXD)fb CARN; or CMBST	CMBST
1,1,2-Trichloroethane 1,1,2-Trichloroethane	79-00-5	0.054	6.0	U243 Hexachloropropylene Hexachloropropylene	1888-71-7	0.035	30
Trichloroethylene Trichloroethylene	79-01-6	0.054	6.0				
1,3,5-Trinitrobenzene 1,3,5-Trinitrobenzene	99-35-4	(WETOX or CHOXD) fb	CMBST				

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Thiourea Thiourea	62-56-6	(WETOX or CHOXD) fb CARN; or CMBST	CMBST	U220 Toluene Toluene	108-88-3	0.080	1.0
Toluenediamine Toluenediamine	25376-45-8	CARN; or CMBST	CMBST	U221 Toluene diisocyanate Toluene diisocyanate	26471-62-5	CARN; or CMBST	CMBST
o-Toluidine hydrochloride o-Toluidine hydro- chloride	636-21-5	(WETOX or CHOXD) fb CARN; or CMBST	CMBST	U222 Bromoform (Tribromomethane) Bromoform (Tribromo- methane)	75-25-2	0.63	15
1,1,1-Trichloroethane 1,1,1-Trichloroethane	71-55-6	0.054	6.0	U223 1,1,2-Trichloroethane 1,1,2-Trichloroethane	79-00-5	0.054	6.0
Trichloroethylene Trichloroethylene	79-01-6	0.054	6.0	U224 1,3,5-Trinitrobenzene 1,3,5-Trinitrobenzene	99-35-4	(WETOX or CHOXD) fb	CMBST

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U244 Thiram Thiram	137-26-8	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
U246 Cyanogen bromide Cyanogen bromide	506-68-3	CHOXD; WETOX; or CMBST	CHOXD; WETOX; or CMBST	
U247 Methoxychlor Methoxychlor	72-43-5	0.25	0.18	
U248 Warfarin, & salts, when present at concentrations of 0.3 percent or less Warfarin	81-81-2	(WETOX or CHOXD) fb CARBN; or CMBST	CMBST	
U249 Zinc phosphide, Zn[3]P[2], when present at concentrations of 10 percent or less Zinc Phosphide	1314-84-7	CHOXD; CHRED; or CMBST	CHOXD; CHRED; or CMBST	
U271 BenomyI(+t) BenomyI	17804-35-2	0.056	1.4	
U278 Bendiocarb(+t) Bendiocarb	22781-23-3	0.056	1.4	
U279 Carbaryl(+t) Carbaryl	63-25-2	0.006	0.14	
U280 Barbant(+t) Barban	101-27-9	0.056	1.4	
U328 o-Toluidine o-Toluidine	95-53-4	CMBST; or CHOXD fb	CMBST	

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U353 p-Toluidine p-Toluidine	106-49-0	CMBST; or CHOXD fb (BIOGD or CARBN); or BIOGD fb CARBN	CMBST	
U359 2-Ethoxyethanol 2-Ethoxyethanol	110-80-5	CMBST; or CHOXD fb (BIOGD or CARBN); or BIOGD fb CARBN	CMBST	
U364 Bendiocarb phenol(10) Bendiocarb phenol	22961-82-6	0.056	1.4	
U367 Carbofuran phenol(+t) Carbofuran phenol	1563-38-8	0.056	1.4	
U372 Carbendazim(+t) Carbendazim	10605-21-7	0.056	1.4	
U373 Propham(+t) Propham	122-42-9	0.056	1.4	
U387 Prosulfocarb(+t) Prosulfocarb	52888-80-9	0.042	1.4	
U389 Triallate(+t) Triallate	2303-17-5	0.042	1.4	
U394 A2213(10) A2213	30558-43-1	0.042	1.4	

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U395	Diethylene glycol, dicarbamate(10)	1.4
	Diethylene glycol, 5952-26-1 dicarbamate	0.056
U404	Triethylamine(#0)	1.5
	Triethylamine	101-44-8
U409	Thiophanate-methyl(#0)	1.4
	Thiophanate-methyl	23564-05-8
U410	Thiodicarb(#0)	1.4
	Thiodicarb	59669-26-0
U411	Propoxur(#0)	1.4
	Propoxur	114-26-1

Notes:

- The waste descriptions provided in this table do not replace waste descriptions in 35 Ill. Adm. Code 721. Descriptions of Treatment or Regulatory Subcategories are provided, as needed, to distinguish between applicability of different standards.
- CAS means Chemical Abstract Services. When the waste code or regulated constituents are described as a combination of a chemical with its salts or esters, the CAS number is given for the parent compound only.
- Concentration standards for wastewaters are expressed in mg/l and are based on analysis of composite samples.
- All treatment standards expressed as a Technology Code or combination of Technology Codes are explained in detail in Table C of this Part, "Technology Codes and Description of Technology-Based Standards". "fb" inserted between waste codes denotes "followed by", so that the first-listed treatment is followed by the second-listed treatment. ";" separates alternative treatment schemes.
- Except for Metals (Pb or TlCP) and Cyanides (Total and Amenable) the nonwastewater treatment standards expressed as a concentration were established, in part, based upon incineration in units operated in accordance with the technical requirements of 35 Ill. Adm. Code 724.Subpart 0 or 35 Ill. Adm. Code 725.Subpart 0 or based upon

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- combustion in fuel substitution units operating in accordance with applicable technical requirements. A facility may comply with these treatment standards according to provisions in 35 Ill. Adm. Code 728.140(d). All concentration standards for nonwastewaters are based on analysis of grab samples.
- Where an alternate treatment standard or set of alternate standards has been indicated, a facility may comply with this alternate standard, but only for the Treatment or Regulatory Subcategory or Physical form (i.e., wastewater or nonwastewater) specified for that alternate standard.
- Both Cyanides (Total) and Cyanides (Amenable) for nonwastewaters are to be analyzed using Method 9010 or 9012, found in "Test Methods for Evaluating Solid Waste, Physical or Chemical Methods", USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111, with a sample size of 10 grams and a distillation time of one hour and 15 minutes.
- These wastes, when rendered non-hazardous **nonhazardous** and then subsequently managed in CWA or CWA-equivalent systems, are not subject to treatment standards. (See Section 728.101(c)(3) and (c)(4).)
- These wastes, when rendered non-hazardous **nonhazardous** and then subsequently injected in a Class I SDWA well, are not subject to treatment standards. (See 35 Ill. Adm. Code 738.101(d).)
- The treatment standard for this waste may be satisfied by either meeting the constituent concentrations in the table in this Section or by treating the waste by specified technologies: combustion, as defined by the technology code CWBST at Table C, for nonwastewaters, and biodegradation, as defined by the technology code BIODG: carbon adsorption, as defined by the technology code CARBN; chemical oxidation, as defined by the technology code CHOXD; or combustion, as defined as technology code CWBST, at Table C, for wastewaters. **This footnote corresponds with note 10 to the table to 46 CFR 266.467 which has already expired--by its own terms--this statement--maintains structural consistency with the federal regulations.**
- For these wastes, the definition of CWBST is limited to any of the following that have obtained a determination of equivalent treatment under Section 728.142(b): (1) combustion units operating under 35 Ill. Adm. Code 726, (2) combustion units permitted under 35 Ill. Adm. Code 724.Subpart 0, or (3) combustion units operating under 35 Ill. Adm. Code 725.Subpart 0.

BOARD NOTE: Derived from table to 40 CFR 268.40 (1998#997), as amended at 63 Fed. Reg. 47415 24626 (Sep. 4 May-4, 1998)7-63-Fed--Reg-

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28643-(May-26-1998) and 63 Fed. Reg. 51264 35149 (Sep. 24 June--29, 1998).

NA means not applicable.

(Source: Amended at 23 Ill. Reg. 92-04, effective JUL 26 1999)

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Section 728.TABULU U Universal Treatment Standards (UTS)

Regulated Constituent- Common Name	CAS(1) No.	Wastewater Standard Concentration (in mg/l(2))	Nonwastewater Standard Concentration (in mg/kg(3)) unless noted as "mg/l TCLP")
A223367	38556-43-1	0.842	1.4
Acenaphthylene	208-96-8	0.059	3.4
Acenaphthene	83-32-9	0.059	3.4
Acetone	67-64-1	0.28	160
Acetonitrile	75-05-8	5.6	38
Acetophenone	96-86-2	0.010	9.7
2-Acetylaminofluorene	53-96-3	0.059	140
Acrolein	107-02-8	0.29	NA
Acrylamide	79-06-1	19	23
Acrylonitrile	107-13-1	0.24	84
Aldicarb sulfonet6	1646-88-4	0.056	0.28
Aldrin	309-00-2	0.021	0.066
4-Aminobiphenyl	92-67-1	0.13	NA
Aniline	62-53-3	0.81	14
Anthracene	120-12-7	0.059	3.4
Aramite	140-57-8	0.36	NA
alpha-BHC	319-84-6	0.00014	0.066
beta-BHC	319-85-7	0.00014	0.066
delta-BHC	319-86-8	0.023	0.066
gamma-BHC	58-89-9	0.0017	0.066

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Barban(6)	101-27-9	0.056	1.4
Bendiocarb(6)	22781-23-3	0.056	1.4
Bendtocarb-phenol(6)	22961-82-6	0.056	1.4
Benomyl(6)	17804-35-2	0.056	1.4
Benz(a)anthracene	56-55-3	0.059	3.4
Benzal chloride	98-87-3	0.055	6.0
Benzene	71-43-2	0.14	10
Benzo(b)fluoranthene (difficult to distinguish from Benzo(k)fluoranthene)	205-99-2	0.11	6.8
Benzo(k)fluoranthene (difficult to distinguish from Benzo(b)fluoranthene)	207-08-9	0.11	6.8
Benzo(g,h,i)perylene	191-24-2	0.055	1.8
Benzo(a)pyrene	50-32-8	0.061	3.4
Bromodichloromethane	75-27-4	0.35	15
Methyl bromide (Bromo- methane)	74-83-9	0.11	15
4-Bromophenyl phenyl ether	101-55-3	0.055	15
n-Butyl alcohol	71-36-3	5.6	2.6
Butylate(6)	2008-41-5	0.042	1.4
Butyl benzyl phthalate	85-68-7	0.017	28
2-sec-Butyl-4,6-dinitro- phenol (Dinoseb)	88-85-7	0.066	2.5
Carbaryl(6)	63-25-2	0.006	0.14

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Carbenzadim(6)	10605-21-7	0.056	1.4
Carbofuran(6)	1563-66-2	0.006	0.14
Carbofuran phenol(6)	1563-38-8	0.056	1.4
Carbon disulfide	75-15-0	3.8	4.8 mg/l TCLP
Carbon tetrachloride	56-23-5	0.057	6.0
Carbosulfan(6)	55285-14-8	0.028	1.4
Chlordane (alpha and gamma isomers)	57-74-9	0.0033	0.26
p-Chloroaniline	106-47-8	0.46	16
Chlorobenzene	108-90-7	0.057	6.0
Chlorobenzilate	510-15-6	0.10	NA
2-Chloro-1,3-butadiene	126-99-8	0.057	0.28
p-Chloro-m-cresol	59-50-7	0.018	14
Chlorodibromomethane	124-48-1	0.057	15
Chloroethane	75-00-3	0.27	6.0
bis(2-Chloro- ethoxy)methane	111-91-1	0.036	7.2
bis(2-Chloroethyl) ether	111-44-4	0.033	6.0
2-Chloroethyl vinyl ether	110-75-8	0.062	NA
Chloroform	67-66-3	0.046	6.0
eis(2-Chloro- isopropyl)ether	39638-32-9	0.055	7.2
Chloromethane (Methyl chloride)	74-87-3	0.19	30
2-Chloronaphthalene	91-58-7	0.055	5.6

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p-Dichlorobenzene	106-46-7	0.090	6.0
Dichlorodifluoromethane	75-71-8	0.23	7.2
1,1-Dichloroethane	75-34-3	0.059	6.0
1,2-Dichloroethane	107-06-2	0.21	6.0
1,1-Dichloroethylene	75-35-4	0.025	6.0
trans-1,2-Dichloroethylene	156-60-5	0.054	30
2,4-Dichlorophenol	120-83-2	0.044	14
2,6-Dichlorophenol	87-65-0	0.044	14
2,4-Dichloro-phenoxyacetic acid/2,4-D	94-75-7	0.72	10
1,2-Dichloropropane	78-87-5	0.85	18
cis-1,3-Dichloropropylene	10061-01-5	0.036	18
trans-1,3-Dichloropropylene	10061-02-6	0.036	18
Dieldrin	60-57-1	0.017	0.13
Diethylene-glycol dicarbamate(6)	5959-26-1	0-056	1-4
Diethyl phthalate	84-66-2	0.20	28
p-Dimethylaminoazobenzene	60-11-7	0.13	NA
2,4-Dimethyl phenol	105-67-9	0.036	14
Dimethyl phthalate	131-11-3	0.047	28
Bismethan(6)	644-64-4	0-056	1-4
Di-n-butyl phthalate	84-74-2	0.057	28
1,4-Dinitrobenzene	100-25-4	0.32	2.3

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2-Chlorophenol	95-57-8	0.044	5.7
3-Chloropropylene	107-05-1	0.036	30
Chrysene	218-01-9	0.059	3.4
o-Cresol	95-48-7	0.11	5.6
m-Cresol (difficult to distinguish from p-cresol)	108-39-4	0.77	5.6
p-Cresol (difficult to distinguish from m-cresol)	106-44-5	0.77	5.6
m-Cumenyl methylcarbamate(6)	64-00-6	0.056	1.4
Cyclohexanone	108-94-1	0.36	0.75mg/l TCLP
o,p'-DDD	53-19-0	0.023	0.087
p,p'-DDD	72-54-8	0.023	0.087
o,p'-DDE	3424-82-6	0.031	0.087
p,p'-DDE	72-55-9	0.031	0.087
o,p'-DDT	789-02-6	0.0039	0.087
p,p'-DDT	50-29-3	0.0039	0.087
Dibenz(a,h)anthracene	53-70-3	0.055	8.2
Dibenz(a,e)pyrene	192-65-4	0.061	NA
1,2-Dibromo-3-chloropropane	96-12-8	0.11	15
1,2-Dibromoethane/Ethylene dibromide	106-93-4	0.028	15
Dibromomethane	74-95-3	0.11	15
m-Dichlorobenzene	541-73-1	0.036	6.0
o-Dichlorobenzene	95-50-91	0.088	6.0

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4,6-Dinitro-o-cresol	534-52-1	0.28	160
2,4-Dinitrophenol	51-28-5	0.12	160
2,4-Dinitrotoluene	121-14-2	0.32	140
2,6-Dinitrotoluene	606-20-2	0.55	28
Di-n-octyl phthalate	117-84-0	0.017	28
Di-n-propylnitrosamine	621-64-7	0.40	14
1,4-Dioxane	123-91-1	12.0	170
Diphenylamine (difficult to distinguish from diphenylnitrosamine)	122-39-4	0.92	13
Diphenylnitrosamine (difficult to distinguish from diphenylamine)	86-30-6	0.92	13
1,2-Diphenylhydrazine	122-56-7	0.087	NA
Disulfoton	298-04-4	0.017	6.2
Dithiocarbamates (total)(6)	137-30-4	0.028	28
Endosulfan I	959-98-8	0.023	0.066
Endosulfan II	33213-65-9	0.029	0.13
Endosulfan sulfate	1031-07-8	0.029	0.13
Endrin	72-20-8	0.0028	0.13
Endrin aldehyde	7421-93-4	0.025	0.13
EPTC(6)	759-94-4	0.042	1.4
Ethyl acetate	141-78-6	0.34	33
Ethyl benzene	100-41-4	0.057	10
Ethyl cyanide (Propanenitrile)	107-12-0	0.24	360

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Ethylene oxide	75-21-8	0.12	NA
Ethyl ether	60-29-7	0.12	160
bis(2-Ethylhexyl) phthalate	117-81-7	0.28	28
Ethyl methacrylate	97-63-2	0.14	160
Famphur	52-85-7	0.017	15
Fluoranthene	206-44-0	0.068	3.4
Fluorene	86-73-7	0.059	3.4
Formetanate hydrochloride(6)	23422-53-9	0.056	1.4
Formetanate(6)	17762-57-7	0-056	1-4
Heptachlor	76-44-8	0.0012	0.066
Heptachlor epoxide	1024-57-3	0.016	0.066
Hexachlorobenzene	118-74-1	0.055	10
Hexachlorobutadiene	87-68-3	0.055	5.6
Hexachloro-cyclopentadiene	77-47-4	0.057	2.4
HxCDDs (All Hexachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
HxCDFs (All Hexachloro-dibenzofurans)	NA	0.000063	0.001
Hexachloroethane	67-72-1	0.055	30
Hexachloropropylene	1888-71-7	0.035	30
Indeno (1,2,3-c,d) pyrene	193-39-5	0.0055	3.4
Iodomethane	74-88-4	0.19	65

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Isobutyl alcohol	78-83-1	5.6	170
Isodrin	465-73-6	0.021	0.066
Isobutyl alcohol	119-38-9	0.056	1.4
Isosafrole	120-58-1	0.081	2.6
Kepone	143-50-0	0.0011	0.13
Methacrylonitrile	126-98-7	0.24	84
Methanol	67-56-1	5.6	0.75 mg/l TCLP
Methapyrene	91-80-5	0.081	1.5
Methiocarb(6)	2032-65-7	0.056	1.4
Methomyl(6)	16752-77-5	0.028	0.14
Methoxychlor	72-43-5	0.25	0.18
3-Methylcholanthrene	56-49-5	0.0055	15
4,4-Methylene bis(2-chloroaniline)	101-14-4	0.50	30
Methylene chloride	75-09-2	0.089	30
Methyl ethyl ketone	78-93-3	0.28	36
Methyl isobutyl ketone	108-10-1	0.14	33
Methyl methacrylate	80-62-6	0.14	160
Methyl methanesulfonate	66-27-3	0.018	NA
Methyl parathion	298-00-0	0.014	4.6
Methylcarbamate(6)	1129-41-5	0.056	1.4
Methacarbamate(6)	315-18-4	0.056	1.4
Molinate(6)	2212-67-1	0.042	1.4
Naphthalene	91-20-3	0.059	5.6
2-Naphthylamine	91-59-8	0.52	NA

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o-Nitroaniline	88-74-4	0.27	14
p-Nitroaniline	100-01-6	0.028	28
Nitrobenzene	98-95-3	0.068	14
5-Nitro-o-toluidine	99-55-8	0.32	28
o-Nitrophenol	88-75-5	0.028	13
p-Nitrophenol	100-02-7	0.12	29
N-Nitrosodiethylamine	55-18-5	0.40	28
N-Nitrosodimethylamine	62-75-9	0.40	2.3
N-Nitroso-di-n-butylamine	924-16-3	0.40	14
N-Nitrosomethylethylamine	10595-95-6	0.40	2.3
N-Nitrosomorpholine	59-89-2	0.40	2.3
N-Nitrosopiperidine	100-75-4	0.013	35
N-Nitrosopyrrolidine	930-55-2	0.013	35
Oxamyl(6)	23135-22-0	0.056	0.28
Parathion	56-38-2	0.014	4.6
Total PCBs (sum of all PCB isomers, or all Aroclors)	1336-36-3	0.10	10
Pebulate(6)	1114-71-2	0.042	1.4
Pentachlorobenzene	608-93-5	0.055	10
PCDDs (All Pentachloro-dibenzo-p-dioxins)	NA	0.000063	0.001
PCDFs (All Pentachloro-dibenzofurans)	NA	0.000035	0.001
Pentachloroethane	76-01-7	0.055	6.0

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dibenzofurans)					
1,1,1,2-Tetrachloroethane	630-20-6	0.057			6.0
1,1,2,2-Tetrachloroethane	79-34-5	0.057			6.0
Tetrachloroethylene	127-18-4	0.056			6.0
2,3,4,6-Tetrachlorophenol	58-90-2	0.030			7.4
Thiodicarb(6)	59669-26-0	0.019			1.4
Thiophanate-methyl(6)	23564-05-8	0.056			1.4
Triacetate(6)	26419-73-8	0.056			0.29
Toluene	108-88-3	0.080			10
Toxaphene	8001-35-2	0.0095			2.6
Triallate(6)	2303-17-5	0.042			1.4
Tribromo-methane (Bromoform)	75-25-2	0.63			15
1,2,4-Trichlorobenzene	120-82-1	0.055			19
1,1,1-Trichloroethane	71-55-6	0.054			6.0
1,1,2-Trichloroethane	79-00-5	0.054			6.0
Trichloroethylene	79-01-6	0.054			6.0
Trichloromonofluoromethane	75-69-4	0.020			30
2,4,5-Trichlorophenol	95-95-4	0.18			7.4
2,4,6-Trichlorophenol	88-06-2	0.035			7.4
2,4,5-Trichlorophenoxy-acetic acid/2,4,5-T	93-76-5	0.72			7.9
1,2,3-Trichloropropane	96-18-4	0.85			30

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Pentachloronitrobenzene	82-68-8	0.055	4.8		
Pentachlorophenol	87-86-5	0.089	7.4		
Phenacetin	62-44-2	0.081	16		
Phenanthrene	85-01-8	0.059	5.6		
Phenol	108-95-2	0.039	6.2		
o-Phenylenediamine(6)	95-54-5	0.056	5.6		
Phorate	298-02-2	0.021	4.6		
Phthalic acid	100-21-0	0.055	28		
Phthalic anhydride	85-44-9	0.055	28		
Physostigmine(6)	57-47-6	0.056	1.4		
Physostigmine salicylate(6)	57-64-7	0.056	1.4		
Promecarb(6)	2631-37-0	0.056	1.4		
Pronamide	23950-58-5	0.093	1.5		
Propam(6)	122-42-9	0.056	1.4		
Propoxur(6)	114-26-1	0.056	1.4		
Prosulfocarb(6)	52888-80-9	0.042	1.4		
Pyrene	129-00-0	0.067	8.2		
Pyridine	110-86-1	0.014	16		
Safrole	94-59-7	0.081	22		
Silvex (2,4,5-TP)	93-72-1	0.72	7.9		
1,2,4,5-Tetrachlorobenzene	95-94-3	0.055	14		
TCDDs (All Tetrachloro-dibenzo-p-dioxins)	NA	0.00063	0.001		
TCDFs (All Tetrachloro-	NA	0.00063	0.001		

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1,1,2-Trichloro-1,2,2-trifluoroethane	76-13-1	0.057	30	
Triethylamine(6)	101-44-8	0.081	1.5	
tris-(2,3-Dibromopropyl) phosphate	126-72-7	0.11	0.10	
Vernolate(6)	1929-77-7	0.042	1.4	
Vinyl chloride	75-01-4	0.27	6.0	
Xylenes-mixed isomers (sum of o-, m-, and p-xylene concentrations)	1330-20-7	0.32	30	
Antimony	7440-36-0	1.9	1.15 mg/l TCLP	
Arsenic	7440-38-2	1.4	5.0 mg/l TCLP	
Barium	7440-39-3	1.2	21 mg/l TCLP	
Beryllium	7440-41-7	0.82	1.22 mg/l TCLP	
Cadmium	7440-43-9	0.69	0.11 mg/l TCLP	
Chromium (Total)	7440-47-3	2.77	0.60 mg/l TCLP	
Cyanides (Total)(4)	57-12-5	1.2	590	
Cyanides (Amenable)(4)	57-12-5	0.86	30	
Fluoride (5)	16984-48-8	35	NA	
Lead	7439-92-1	0.69	0.75 mg/l TCLP	
Mercury-Nonwastewater from Retort	7439-97-6	NA	0.20 mg/l TCLP	
Mercury-All Others	7439-97-6	0.15	0.025 mg/l TCLP	
Nickel	7440-02-0	3.98	11 mg/l TCLP	
Selenium (7)	7782-49-2	0.82	5.7 mg/l TCLP	
Silver	7440-22-4	0.43	0.14 mg/l TCLP	
Sulfide	18496-25-8	14	NA	

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Thallium	7440-28-0	1.4	0.20 mg/l TCLP	
Vanadium(5)	7440-62-2	4.3	1.6 mg/l TCLP	
Zinc(5)	7440-66-6	2.61	4.3 mg/l TCLP	
1 CAS means Chemical Abstract Services. When the waste code or regulated constituents are described as a combination of a chemical with its salts or esters, the CAS number is given for the parent compound only.				
2 Concentration standards for wastewaters are expressed in mg/l are based on analysis of composite samples.				
3 Except for metals (EP or TCLP) and cyanides (total and amenable), the nonwastewater treatment standards expressed as a concentration were established, in part, based on incineration in units operated in accordance with the technical requirements of 35 Ill. Adm. Code 724.Subpart O or 35 Ill. Adm. Code 725.Subpart O or on combustion in fuel substitution units operating in accordance with applicable technical requirements. A facility may comply with these treatment standards according to provisions in Section 728.140(d). All concentration standards for nonwastewaters are based on analysis of grab samples.				
4 Both Cyanides (Total) and Cyanides (Amenable) for nonwastewaters are to be analyzed using Method 9010 or 9012, found in "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods", USEPA Publication SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111, with a sample size of 10 grams and a distillation time of one hour and 15 minutes.				
5 These constituents are not "underlying hazardous constituents" in characteristic wastes, according to the definition at Section 728.102(i).				
6 This footnote corresponds with footnote note 6 to the table to 40 CFR 268.48(a), which has already expired by its own terms. This statement maintains structural consistency with the federal regulations.				
7 This constituent is not an underlying hazardous constituent, as defined at Section 728.102(i), because its UNS level is greater than its TC level. Thus, a treated selenium waste would always be characteristically hazardous unless it is treated to below its characteristic level.				
Note: NA means not applicable.				
BOARD NOTE: Derived from table to 40 CFR 268.48(a) (19981997), as amended at 63 Fed. Reg. 47410 #4626 (Sep. 4 May-4, 1998) and-63-Fed-Reg-28739-May-267 19987.				
(Source: Amended	at	23	Ill.	Reg. — 92-04 — effective

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JUL 26 1999

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NOTICE OF ADOPTED AMENDMENTS

- 1) Heading of the Part: RCRA And UIC Permit Programs
- 2) Code citation: 35 Ill. Adm. Code 702
- 3) Section Numbers: Proposed Action:
702.110 Amended
702.126
- 4) Statutory authority: 415 ILCS 5/7.2, 13, 22.4, and 27.

5) Effective date of amendments: July 26, 1999

6) Does this rulemaking contain an automatic repeal date? No

7) Do these amendments contain incorporations by reference? No. Although the existing text of Part 702 includes incorporations by reference, the present amendments do not affect those incorporations.

8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the Board's principal office and is available for public inspection.

9) Notice of proposal published in Illinois Register: April 23, 1999, 23 Ill. Reg. 4925

10) Has JCAR issued a Statement of Objections to these amendments? No. Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

11) Differences between proposal and final version:

Section Revised	Source(s) of Revision(s)
702. table of contents	Board Added "in R99-15"
702.110 "appropriate act and regulations"	Board, JCAR Changed semicolons to commas (three times); added definite article "the"
702.110 "approved program or approved state"	JCAR used lower case "state" (twice)
702.110 "CWA"	JCAR Changed "U.S.C." to "USC"

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- 702.110 "existing hazardous waste management facility" JCAR used lower case "federal;" moved restrictive relative clause "that cannot . . . loss," removed em dashes offsetting clause, added "and which are" to complete second restrictive relative clause
- 702.110 "federal, state, and local approvals or permits necessary to begin physical construction" JCAR used lower case "federal"
- 702.110 "final authorization" JCAR used lower case "section"
- 702.110 "interim authorization" JCAR used lower case "section"
- 702.110 "new injection well" JCAR, Board Changed "the UIC program . . . is approved" to "March 3, 1984 . . . State of Illinois;" added Board note citing federal rule and Federal Register notice authorizing the Illinois UIC program
- 702.110 "on-site" JCAR Added comma after "person" to complete parenthetical
- 702.110 "RCRA" JCAR Changed "U.S.C." to "USC"
- 702.110 "SDWA" JCAR Changed "U.S.C." to "USC"
- 702.110 "state/USEPA agreement" JCAR Changed "EPA" to "USEPA;" added comma after "programs" to offset parenthetical
- 702.110 "storage" JCAR Changed "disposed" to "disposed of"
- 702.110 "transfer facility" JCAR Added comma after "facility" to offset parenthetical

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- 702.110 "treatment" JCAR Deleted unnecessary comma after "non-hazardous"
- 702.110 "underground source of drinking water" JCAR, Board Moved and modified the language, added "it" to create independent clauses (four times), and restructured for enhanced clarity
- 702.126(a)(1) JCAR, Board Replaced semicolon with a colon; added "either of the following persons"
- 702.126(a)(1)(B) JCAR, Board Capitalized definite article "the;" changed ending punctuation to a semicolon
- 702.126(d)(1) JCAR Corrected to singular "subsection (a) or (b)"
- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR? Section 22.4(a) of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.
- 13) Will these amendments replace emergency amendments currently in effect? No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and purpose of amendments: A more detailed description is contained in the Board's opinion and order of June 17, 1999 in docket R99-15, which opinion and order is available from the address below. Section 22.4 of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.
- This proceeding updates the Illinois RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by the United States Environmental Protection Agency (USEPA) that appeared in the Federal Register during a single update period. The docket and time period that is involved in this

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proceeding is the following:

R99-15 Federal RCRA Subtitle C amendments that occurred during the period July 1, 1998, through December 31, 1998.

The R99-15 docket amends rules in Parts 703, 720, 721, 724, 725, 726, 728, and 733. Prior to discussing the specific changes made to this Part, the Board will describe the docket as a whole, since amendments to various Parts may be inter-related. The following table briefly summarizes the federal actions in the update period:

63 Fed. Reg. 37780 USEPA withdrew segments of a May 6, 1998 (July 14, 1998) direct final rule that drew adverse comment.

63 Fed. Reg. 42109 USEPA adopted new waste listings and land (August 6, 1998) disposal restrictions (LDRs) for petroleum wastes, including certain exclusions from regulation as hazardous waste.

63 Fed. Reg. 42580 USEPA adopted corrections to the May 4, 1998, (August 10, 1998) organobromine production waste rules; the May 26, 1998, Phase IV LDRs; and the June 29, 1998, organobromine waste technical amendments.

63 Fed. Reg. 46331 USEPA adopted technical amendments to the May (August 31, 1998) 4, 1998, organobromine waste rules.

63 Fed. Reg. 47409 USEPA changed the effective dates and adopted (September 4, 1998) emergency amendments to the LDRs applicable to several carbamate wastes and waste constituents.

63 Fed. Reg. 48124 USEPA issued an extension of the Phase IV LDR (September 9, 1998) compliance deadline, until November 26, 1998, for certain limited metal-bearing wastes.

63 Fed. Reg. 51253 USEPA adopted LDR treatment standards (September 24, 1998) applicable to spent potliners from primary aluminum production.

63 Fed. Reg. 54356 USEPA changed the compliance deadline of the (October 9, 1998) August 6, 1998 petroleum waste rules until December 8, 1998.

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63 Fed. Reg. 56709 USEPA amended the treatment, storage, and (October 22, 1998) disposal facility standards to allow states to use mechanisms other than permits to approve facility post-closure care plans and to allow the closure of certain units through the corrective action program.

63 Fed. Reg. 64371 USEPA issued a final decision not to list 14 (November 19, 1998) waste solvents as hazardous waste.

63 Fed. Reg. 65873 USEPA adopted new remedial action plan (RAP) (November 30, 1998) requirements applicable to the treatment, storage, or disposal of hazardous remediation wastes during cleanup actions.

63 Fed. Reg. 71225 USEPA adopted corrective and clarifying (December 24, 1998) amendments to the May 11, 1995 (60 Fed. Reg. 25492) universal waste rule. The amendments correct aspects of the standards for spent lead-acid battery management and the definition of small quantity universal waste handler, and they clarify the export requirements for destination facilities that are universal waste handlers.

The Board has already taken or does not need to take action based on five sets of these federal RCRA Subtitle C amendments. The Board dealt with the federal action of July 14, August 10 and 31, September 9, and October 9, 1998, in the prior consolidated R98-21/R99-7 RCRA Subtitle C and underground injection control (UIC) update docket, adopted on December 17, 1998, and filed with the Secretary of State on January 19, 1999. (The Board made all but one of the federal amendments of August 6, 1998, in the consolidated R98-21/R99-7 update docket, but must complete the one minor amendment in this rulemaking.) The Board will not amend the Illinois regulations in response to the federal action of November 19, 1998, where the USEPA determination not to list the wastes as hazardous did not result in an amendment of the federal regulations.

In addition to the federal actions that fall within the timeframes of this docket, the Board is including additional federal actions that occurred later. These additional actions directly impact one or more of the actions that USEPA took within the timeframes that are involved.

64 Fed. Reg. 6806 USEPA adopted amendments to the exclusions (February 11, 1999) from the definition of hazardous waste that have the effect of deferring regulation of certain materials as hazardous waste until February 13, 2001. The wastes affected are

POLLUTION CONTROL BOARD

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landfill leachate and landfill gas condensate derived from previously-disposed petroleum refining wastes (USEPA hazardous waste codes K169 through K172, originally listed on August 6, 1998 (63 Fed. Reg. 42110), effective February 6, 1999, and adopted by the Board on December 17, 1998, in consolidated update docket R98-21/R99-2/R99-7, effective January 19, 1999).

The Board examined three federal actions that amended the Clean Water Act analytical methods, which are incorporated by reference in 35 Ill. Adm. Code 720.111. The Board updates the incorporation by reference.

63 Fed. Reg. 38756
(July 20, 1998)

USEPA published a correction to 40 C.F.R. 136.3(e) table, as published on July 1, 1997.

63 Fed. Reg. 44146
(August 18, 1998)

USEPA published a correction to 40 C.F.R. 136.3(e) table, as published on July 1, 1997.

63 Fed. Reg. 50387
(September 21, 1998)

USEPA adopted effluent discharge and wastewater pretreatment standards for the pharmaceutical manufacturing industry sector.

The Board dealt with the federal actions of July 20 and August 18, 1998, in the prior consolidated R98-21/R99-2/R99-7 RCRA Subtitle C and underground injection control (UIC) update docket, adopted on December 17, 1998, and filed with the Secretary of State on January 19, 1999. Thus, the Board is acting in this R99-15 docket on the following USEPA amendments:

63 Fed. Reg. 42109
(August 6, 1998)

USEPA adopted new waste listings and land disposal restrictions (LDRs) for petroleum wastes, including certain exclusions from regulation as hazardous waste.

63 Fed. Reg. 47409
(September 4, 1998)

USEPA changed the effective dates and adopted emergency amendments to the LDRs applicable to several carbamate wastes and waste constituents.

63 Fed. Reg. 50387
(September 21, 1998)

USEPA adopted effluent discharge and wastewater pretreatment standards for the pharmaceutical manufacturing industry sector.

63 Fed. Reg. 51253
(September 24, 1998)

USEPA adopted LDR treatment standards applicable to spent pollinens from primary aluminum production.

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63 Fed. Reg. 56709
(October 22, 1998)

USEPA amended the treatment, storage, and disposal facility standards to allow states to use mechanisms other than permits to approve facility post-closure care plans and to allow the closure of certain units through the corrective action program.

63 Fed. Reg. 65873
(November 30, 1998)

USEPA adopted new remedial action plan (RAP) requirements applicable to the treatment, storage, or disposal of hazardous remediation wastes during cleanup actions.

63 Fed. Reg. 71225
(December 24, 1998)

USEPA adopted corrective and clarifying amendments to the May 11, 1995 (60 Fed. Reg. 25492) universal waste rule. The amendments correct aspects of the standards for spent lead-acid battery management and the definition of small quantity universal waste handler, and they clarify the export requirements for destination facilities that are universal waste handlers.

64 Fed. Reg. 6806
(February 11, 1999)

USEPA adopted amendments to the exclusions from the definition of hazardous waste that have the effect of deferring regulation of certain materials as hazardous waste until February 13, 2001. The wastes affected are landfill leachate and landfill gas condensate derived from previously-disposed petroleum refining wastes (USEPA hazardous waste codes K169 through K172, originally listed on August 6, 1998 (63 Fed. Reg. 42110), effective February 6, 1999, and adopted by the Board on December 17, 1998, in consolidated update docket R98-21/R99-2/R99-7, effective January 19, 1999).

Specifically, the amendments to Part 702 implement segments of the federal November 30, 1998 hazardous waste remediation waste amendments.

Section 22.4 of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCRC.

16) Information and questions regarding these adopted amendments shall be directed to:

POLLUTION CONTROL BOARD

NOTICE OF ADOPTED AMENDMENTS

Michael J. McCambridge
Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601
312-814-6924

Request copies of the Board's opinion and order of June 17, 1999 in docket
R99-15 from Patricia Jones, at 312-814-3620.

The full text of the adopted amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER b: PERMITS

PART 702

RCRA AND UTC PERMIT PROGRAMS

SUBPART A: GENERAL PROVISIONS

Section
702.101
702.102
702.103
702.104
702.105
702.106
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702.108
702.109
702.110

Purpose, Scope, and Applicability
Purpose and Scope (Repealed)
Confidentiality of Information Submitted to the Agency or Board
References
Rulemaking
Adoption of Agency Criteria
Permit Appeals and Review of Agency Determinations
Variances and Adjusted Standards
Enforcement Actions
Definitions

SUBPART B: PERMIT APPLICATIONS

Section
702.120
702.121
702.122
702.123
702.124
702.125
702.126

Permit Application
Who Applies
Completeness
Information Requirements
Recordkeeping
Continuation of Expiring Permits
Signatories to Permit Applications and Reports

SUBPART C: PERMIT CONDITIONS

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702.152	Reporting Requirements
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702.162	Schedules of Compliance
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SUBPART D: ISSUED PERMITS

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702.186	Minor Modifications

AUTHORITY: Implementing Sections 13 and 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/13, 22.4 and 27].

SOURCE: Adopted in R81-32, 47 PCB 93, at 6 Ill. Reg. 12479, effective May 17, 1982; amended in R82-19, at 53 PCB 131, 7 Ill. Reg. 14352, effective May 17, 1982; amended in R84-9 at 9 Ill. Reg. 11926, effective July 24, 1985; amended in R85-23 at 10 Ill. Reg. 13274, effective July 29, 1986; amended in R86-1 at 10 Ill. Reg. 14083, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6131, effective March 24, 1987; amended in R87-5 at 11 Ill. Reg. 19376, effective November 12, 1987; amended in R87-16 at 12 Ill. Reg. 2579, effective January 15, 1988; amended in R87-29 at 12 Ill. Reg. 6673, effective March 29, 1988; amended in R87-39 at 12 Ill. Reg. 13083, effective July 29, 1988; amended in R89-1 at 13 Ill. Reg. 18452, effective November 13, 1989; amended in R89-2 at 14 Ill. Reg. 6273, effective February 20, 1990; amended in R89-9 at 14 Ill. Reg. 6273, effective April 16, 1990; amended in R92-10 at 17 Ill. Reg. 5769, effective March 26, 1993; amended in R93-16 at 18 Ill. Reg. 6918, effective April 26, 1994; amended in R94-5 at 18 Ill. Reg. 18284, effective December 20, 1994; amended in R95-6 at 19 Ill. Reg. 9913, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11210, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 532, effective December 1, 1997; amended in R99-15 at 23 Ill. Reg. 935-9, effective JUL 24 1999.

SUBPART A: GENERAL PROVISIONS

Section 702.110 Definitions

The following definitions apply to 35 Ill. Adm. Code 702, 703, 704, and 705. Terms not defined in this Section have the meaning given by the appropriate Act. When a defined term appears in a definition, the defined term is sometimes placed within quotation marks as an aid to readers. When a

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definition applies primarily to one or more programs, those programs appear in parentheses after the defined terms.

"Act" or "Environmental Protection Act" means the Environmental Protection Act [415 ILCS 5].

"Administrator" means the Administrator of the United States Environmental Protection Agency or an authorized representative.

"Agency" means the Illinois Environmental Protection Agency.

"Application" means the Agency forms for applying for a permit. For RCRA, application also includes the information required by the Agency under 35 Ill. Adm. Code 703.182 through 703.212 (contents of Part B of the RCRA application).

"Appropriate act and regulations" means the Resource Conservation and Recovery Act (RCRA),¹⁷ the Safe Drinking Water Act (SDWA),¹⁷ or the "Environmental Protection Act",¹⁷ whichever is applicable,¹⁷ and applicable regulations promulgated under those statutes.

"Approved program or approved state State" means a state State or interstate program that has been approved or authorized by USEPA under 40 CFR 271 (1996) (RCRA) or Section 1422 of the SDWA (UIC).

"Aquifer" (RCRA and UIC) means a geological "formation", group of formations, or part of a formation that is capable of yielding a significant amount of water to a well or spring.

"Area of review" (UIC) means the area surrounding an injection well described according to the criteria set forth in 35 Ill. Adm. Code 730.106, or in the case of an area permit, the project area plus a circumscribing area the width of that is either 402 meters (1/4 of a mile) or a number calculated according to the criteria set forth in 35 Ill. Adm. Code 730.106.

"Board" means the Illinois Pollution Control Board.

"Closure" (RCRA) means the act of securing a "Hazardous Waste Management Facility" pursuant to the requirements of 35 Ill. Adm. Code 724.

"Component" (RCRA) means any constituent part of a unit or any group of constituent parts of a unit that are assembled to perform a specific function (e.g., a pump seal, pump, kiln liner, or kiln thermocouple).

"Contaminant" (UIC) means any physical, chemical, biological, or

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radiological substance or matter in water.

"Corrective action management unit" or "CAMU" means an area within a facility that is designated by the Agency under 35 Ill. Adm. Code 724. Subpart S for the purpose of implementing corrective action requirements under 35 Ill. Adm. Code 724.201 and RCRA section 3008(b). A CAMU shall only be used for the management of remediation wastes pursuant to implementing such corrective action requirements at the facility.

BOARD NOTE: USEPA must also designate a CAMU until it grants this authority to the Agency. See the note following 35 Ill. Adm. Code 724.652.

"CWA" means the Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972), P.L. 92-500, as amended by P.L. 95-217 and P.L. 95-576; 33 USC 863-87, 1251 et seq. (1996).

"Date of approval by USEPA of the Illinois UIC program" means March 3, 1984.

"Director" means the Director of the Illinois Environmental Protection Agency or the Director's designee.

"Disposal" (RCRA) means the discharge, deposit, injection, dumping, spilling, leaking, or placing of any "hazardous waste" into or on any land or water so that such hazardous waste or any constituent of the waste may enter the environment or be emitted into the air or discharged into any waters, including groundwater.

"Disposal facility" (RCRA) means a facility or part of a facility at which "hazardous waste" is intentionally placed into or on the land or water, and at which hazardous waste will remain after closure. The term disposal facility does not include a corrective action management unit into which remediation wastes are placed.

"Draft permit" means a document prepared under 35 Ill. Adm. Code 705.141 indicating the Agency's tentative decision to issue, deny, modify, terminate, or reissue a "permit". A notice of intent to deny a permit, as discussed in 35 Ill. Adm. Code 705.141, is a type of "draft permit". A denial of a request for modification, as discussed in 35 Ill. Adm. Code 705.126, is not a "draft permit". A "proposed permit" is not a "draft permit".

"Drilling mud" (UIC) means a heavy suspension used in drilling an "injection well", introduced down the drill pipe and through the drill bit.

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"Elementary neutralization unit" means a device which:

Is used for neutralizing wastes that are hazardous wastes only because they exhibit the corrosivity characteristics defined in 35 Ill. Adm. Code 721.122, or are listed in 35 Ill. Adm. Code 721. Subpart D only for this reason; and

Meets the definition of tank, tank system, container, transport vehicle or vessel in 35 Ill. Adm. Code 720.110.

"Emergency permit" means a RCRA or UIC "permit" issued in accordance with 35 Ill. Adm. Code 703.221 or 704.163, respectively.

"Environmental Protection Agency" ("EPA" or "USEPA") means the United States Environmental Protection Agency.

"Exempted aquifer" (UIC) means an "aquifer" or its portion that meets the criteria in the definition of "underground source of drinking water" but which has been exempted according to the procedures in 35 Ill. Adm. Code 702.105, 704.104, and 704.123(b).

"Existing hazardous waste management (HWM) facility" or "existing facility" means a facility that was in operation or for which construction commenced on or before November 19, 1980. A facility has commenced construction if of:

The owner or operator has obtained the federal Federal, State, and local approvals or permits necessary to begin physical construction; and

Either:

A continuous on-site, physical construction program has begun; or

The owner or operator has entered into contractual obligations for physical construction of the facility -- that cannot be canceled or modified without substantial loss and which are for physical construction of the facility to be completed within a reasonable time.

"Existing injection well" (UIC) means an "injection well" other than a "new injection well".

"Facility mailing list" means the mailing list for a facility maintained by the Agency in accordance with 35 Ill. Adm. Code 705.163(a).

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"Facility or activity" means any "HWM facility", UIC "injection well", or any other facility or activity (including land or appurtenances thereto) that is subject to regulations under the Illinois RCRA or UIC program.

"Facility mailing list" (RCRA) means the mailing list for a facility maintained by the Agency in accordance with 35 Ill. Adm. Code 705.163.

"Federal, State, and local approvals or permits necessary to begin physical construction" means permits and approvals required under federal Federal, State, or local hazardous waste control statutes, regulations, or ordinances. (See 35 Ill. Adm. Code 700.102.)

"Final authorization" (RCRA) means approval by USEPA of the Illinois Hazardous Waste Management program that has met the requirements of Section 3006(b) of RCRA and the applicable requirements of 40 CFR 271, Subpart A (1996). USEPA granted initial final authorization on January 31, 1986.

"Fluid" (UIC) means any material or substance that flows or moves whether in a semisolid, liquid, sludge, gas, or any other form or state.

"Formation" (UIC) means a body of rock characterized by a degree of lithologic homogeneity that is prevailing, but not necessarily, tabular and is mappable on the earth's surface or traceable in the subsurface.

"Formation fluid" (UIC) means "fluid" present in a "formation" under natural conditions, as opposed to introduced fluids, such as "drilling mud".

"Functionally equivalent component" (RCRA) means a component that performs the same function or measurement and which meets or exceeds the performance specifications of another component.

"Generator" (RCRA) means any person, by site location, whose act or process produces "hazardous waste" identified or listed in 35 Ill. Adm. Code 721.

"Groundwater" (RCRA and UIC) means a water below the land surface in a zone of saturation.

"Hazardous waste" (RCRA and UIC) means a hazardous waste as defined in 35 Ill. Adm. Code 721.103.

"Hazardous waste management facility" ("HWM facility") means all contiguous land and structures, other appurtenances, and improvements

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on the land, used for treating, storing, or disposing of "hazardous waste". A facility may consist of several "treatment", "storage", or "disposal" operational units (for example, one or more landfills, surface impoundments, or combinations of them).

"HWM facility" (RCRA) means "Hazardous Waste Management facility".

"Injection well" (RCRA and UIC) means a "well" into which "fluids" are being injected.

"Injection zone" (UIC) means a geological "formation", group of formations, or part of a formation receiving fluids through a "well".

"In operation" (RCRA) means a facility that is treating, storing, or disposing of "hazardous waste".

"Interim authorization" (RCRA) means approval by USEPA of the Illinois Hazardous Waste Management program that has met the requirements of section 3006(g)(2) of RCRA and applicable requirements of 40 CFR 271 (1996). This happened on May 17, 1982.

"Interstate agency" means an agency of two or more states established by or under an agreement or compact approved by the Congress, or any other agency of two or more states having substantial powers or duties pertaining to the control of pollution as determined and approved by the Administrator under the "appropriate Act and regulations".

"Major facility" means any RCRA or UIC "facility or activity" classified as such by the Regional Administrator or the Agency.

"Manifest" (RCRA and UIC) means the shipping document originated and signed by the "generator" that contains the information required by 35 Ill. Adm. Code 722.8 Subpart B.

"National Pollutant Discharge Elimination System" means the program for issuing, modifying, revoking and reissuing, terminating, monitoring, and enforcing permits and imposing and enforcing pretreatment requirements under Section 12(f) of the Environmental Protection Act and 35 Ill. Adm. Code 309. Subpart A and 310. The term includes an "approved program".

"New HWM facility" (RCRA) means a "Hazardous Waste Management facility" that began operation or for which construction commenced after November 19, 1980.

"New injection well" (UIC) means a "well" that began injection after March 3, 1984, the date of USEPA approval of the UIC program for the State of Illinois applicable-to-the-well-is-approved.

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BOARD NOTE: See 40 CFR 147.700 (1998) and 49 Fed. Reg. 3991 (Feb. 1, 1984).

"Off-site" (RCRA) means any site that is not "on-site".

"On-site" (RCRA) means on the same or geographically contiguous property that may be divided by public or private right(s)-of-way, provided the entrance and exit between the properties is at a cross-roads intersection, and access is by crossing as opposed to going along, the right(s)-of-way. Non-contiguous properties owned by the same person, but connected by a right-of-way that the person controls and to which the public does not have access, is also considered on-site property.

"Owner or operator" means the owner or operator of any "facility or activity" subject to regulation under the RCRA or UIC programs.

"Permit" means an authorization, license, or equivalent control document issued to implement the requirements of this Part and 35 Ill. Adm. Code 703, 704, and 705.

"Permit" includes RCRA "permit by rule" (35 Ill. Adm. Code 703.141), UIC area permit (35 Ill. Adm. Code 704.162), and RCRA or UIC "Emergency Permit" (35 Ill. Adm. Code 703.221 and 704.163). "Permit" does not include RCRA interim status (35 Ill. Adm. Code 703.153 through 703.157), UIC authorization by rule (35 Ill. Adm. Code 704.162), or any permit that has not yet been the subject of final Agency action, such as a "Draft Permit" or a "Proposed Permit".

"Person" means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, political subdivision, state agency, or any other legal entity, or their legal representative, agency, or assigns.

"Physical construction" (RCRA) means excavation, movement of earth, erection of forms or structures, or similar activity to prepare an "RPM facility" to accept "hazardous waste".

"plugging" (UIC) means the act or process of stopping the flow of water, oil, or gas into or out of a formation through a borehole or well penetrating that formation.

"PTW" means "publicly owned treatment works".

"Project" (UIC) means a group of wells in a single operation.

"Publicly owned treatment works" ("PTW") is as defined in 35 Ill. Adm. Code 310.

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"Radioactive waste" (UIC) means any waste that contains radioactive material in concentrations that exceed those listed in 10 CFR 20, Appendix B, Table II, Column 2, incorporated by reference in 35 Ill. Adm. Code 720.111.

"RCRA" means the Solid Waste Disposal Act as amended by the Resource Conservation and Recovery Act of 1976 (P.L. 94-580, as amended by P.L. 95-609, P.L. 96-510, 42 USC §§582-6901 et seq. (1996)). For the purposes of regulation under 35 Ill. Adm. Code 700 through 705, 720 through 728, and 739, "RCRA" refers only to RCRA Subtitle C. This does not include the RCRA Subtitle D (municipal solid waste landfill) regulations, found in 35 Ill. Adm. Code 810 through 815, and the RCRA Subtitle I (underground storage tank) regulations found in 35 Ill. Adm. Code 731 and 732.

"RCRA permit" means a permit required under Section 21(f) of the Environmental Protection Act.

"Regional Administrator" means the Regional Administrator for the USEPA Region in which the facility is located or the Regional Administrator's designee.

"Remedial Action Plan" or "RAP" means a special form of RCRA permit that a facility owner or operator may obtain pursuant to 35 Ill. Adm. Code 703.Subpart H, instead of a RCRA permit issued under this Part and 35 Ill. Adm. Code 703. To authorize the treatment, storage, or disposal of hazardous remediation waste (as defined in 35 Ill. Adm. Code 720.110) at a remediation waste management site.

"Schedule of compliance" means a schedule of remedial measures included in a "permit", including an enforceable sequence of interim requirements (for example, actions, operations, or milestone events) leading to compliance with the "appropriate Act and regulations".

"SDWA" means the Safe Drinking Water Act (P.L. 93-523, as amended, 42 USC §§582-300f et seq. (1996)).

"Site" means the land or water area where any "facility or activity" is physically located or conducted, including adjacent land used in connection with the facility or activity.

"SIC code" means codes pursuant to the Standard Industrial Classification Manual incorporated by reference in 35 Ill. Adm. Code 720.111.

"State" means the State of Illinois.

"State Director" means the Director of the Illinois Environmental

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Protection Agency.

"State/USEPA agreement" means an agreement between the Regional Administrator and the State that coordinates USEPA and State activities, responsibilities, and programs, including those under the RCRA and SDWA.

"Storage" (RCRA) means the holding of "hazardous waste" for a temporary period, at the end of which the hazardous waste is treated, disposed of, or stored elsewhere.

"Stratum (plural strata)" (UIC) means a single sedimentary bed or layer, regardless of thickness, that consists of generally the same kind of rock material.

"Total dissolved solids" (UIC) means the total dissolved (filterable) solids as determined by use of the method specified in 40 CFR 136, incorporated by reference in 35 Ill. Adm. Code 720.111.

"Transfer facility" means any transportation related facility, including loading docks, parking areas, storage areas, and other similar areas where shipments of hazardous wastes are held during the normal course of transportation.

"Transferee" (UIC) means the owner or operator receiving ownership or operational control of the well.

"Transferor" (UIC) means the owner or operator transferring ownership or operational control of the well.

"Transporter" (RCRA) means a person engaged in the off-site transportation of "hazardous waste" by air, rail, highway, or water.

"Treatment" (RCRA) means any method, technique, process, including neutralization, designed to change the physical, chemical, or biological character or composition of any "hazardous waste" so as to neutralize such wastes, or so as to recover energy or material resources from the waste, or so as to render such wastes non-hazardous, or less hazardous; safer to transport, store, or dispose of; or amenable for recovery, amenable for storage, or reduced in volume.

"UIC" means the Underground Injection Control program.

"Underground injection" (UIC) means a "well injection".

"Underground source of drinking water" ("USDW") (RCRA and UIC) means an "aquifer" or its portion that is not an "exempted aquifer" and of

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which either of the following is true:

When:

Supplies any public water system; or

It supplies any public water system; or

Contains a sufficient quantity of groundwater--to--supply--a public water system; and

Currently supplies drinking water for human consumption; or

Contains less than 10,000 mg/l total dissolved solids; and

That is not an "exempted aquifer";

It contains a sufficient quantity of groundwater to supply a public water system; and

It currently supplies drinking water for human consumption; or

It contains less than 10,000 mg/l total dissolved solids.

"USDW" (RCRA and UIC) means an "underground source of drinking water".

"Wastewater treatment unit" means a device which:

Is part of a wastewater treatment facility that is subject to regulation under 35 Ill. Adm. Code 309.Subpart A or 310; and

Receives and treats or stores an influent wastewater that is a hazardous waste as defined in 35 Ill. Adm. Code 721.103, or generates and accumulates a wastewater treatment sludge that is a hazardous waste as defined in 35 Ill. Adm. Code 721.103, or treats or stores a wastewater treatment sludge that is a hazardous waste as defined in 35 Ill. Adm. Code 721.103; and

Meets the definition of tank or tank system in 35 Ill. Adm. Code 720.110.

"Well" (UIC) means a bored, drilled, or driven shaft, or a dug hole, whose depth is greater than the largest surface dimension.

"Well injection" (UIC) means the subsurface emplacement of "fluids" through a bored, drilled, or driven "well"; or through a dug well, where the depth of the dug well is greater than the largest surface

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dimension.

BOARD NOTE: Derived from 40 CFR 144.3 (1998) +1996† and 270.2 (1998) +1996†, as amended at 63 Fed. Reg. 65941 (November 30, 1998).

(Source: Amended 23 Ill. Reg. 93-5 effective July 26, 1999)

SUBPART B: PERMIT APPLICATIONS

Section 702.126 Signatories to Permit Applications and Reports

a) Applications. All applications shall be signed as follows:

1) For a corporation: by a responsible corporate officer. For the purpose of this section, a responsible corporate officer means either of the following persons:

- A) A president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person that who performs similar policy or decision making functions for the corporation, or
- B) ~~The~~ the manager of one or more manufacturing, production or operating facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25 million (in second-quarter 1980 dollars), if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

BOARD NOTE: The Board does not require specific assignments or delegations of authority to responsible corporate officers identified in subsection (a)(1)(A) of this Section above. The Agency will presume that these responsible corporate officers have the requisite authority to sign permit applications unless the corporation has notified the Agency to the contrary. Corporate procedures governing authority to sign permit applications may provide for assignment or delegation to applicable corporate positions under subsection (a)(1)(B) of this Section above rather than to specific individuals.

- 2) For a partnership or sole proprietorship: by a general partner or the proprietor, respectively; or
- 3) For a municipality, State, federal, or other public agency: by either a principal executive officer or ranking elected official. For purposes of this Section, a principal executive officer of a federal agency includes:
 - A) The chief executive officer of the agency, or
 - B) A senior executive officer having responsibility for the overall operations of a principal geographic unit of the agency (e.g., Regional Administrators of USEPA).
- b) Reports. All reports required by permits or other information

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requested by the Agency shall be signed by a person described in subsection (a) of this Section above, or by a duly authorized representative of that person. A person is a duly authorized representative only if:

- 1) The authorization is made in writing by a person described in subsection (a) of this Section above;
 - 2) The authorization specifies either an individual or a position having responsibility for the overall operation of the regulated facility or activity, such as the position of plant manager, operator of a well or a well field, superintendent, or position of equivalent responsibility. (A duly authorized representative may thus be either a named individual or any individual occupying a named position); and
 - 3) The written authorization is submitted to the Agency.
- c) Changes to authorization. If an authorization under subsection (b) of this Section above is no longer accurate because a different individual or position has responsibility for the overall operation of the facility, a new authorization satisfying the requirements of subsection (b) must be submitted to the Agency prior to or together with any reports, information, or applications to be signed by an authorized representative.
- d) Certification.

- 1) Any person signing a document under subsection subsections (a) or (b) of this Section above shall make the following certification:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons that who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

- 2) Alternative owner certification. For remedial action plans (RAPs) under Subpart H of this Part, if the operator certifies according to subsection (d)(1) of this Section, then the owner may choose to make the following certification instead of the certification in subsection (d)(1) of this Section:

Based on my knowledge of the conditions of the property described in the RAP and my inquiry of the person or persons that manage the system referenced in the operator's certification, or those persons directly responsible for gathering the information, the information submitted is, upon information and belief, true.

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accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

BOARD NOTE: Derived from 40 CFR 144.32 (1998) (49993) and 270.11 (1998), as amended at 63 Fed. Reg. 65941 (November 30, 1998) (49927).

(Source: Amended at 23 Ill. Reg. **09-5-9**, effective JUL 26 1999.)

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- 1) Heading of the Part: RCRA Permit Program
- 2) Code citation: 35 Ill. Adm. Code 703
- 3)

<u>Section Numbers:</u>	<u>Proposed Action:</u>
703.121	Amended
703.157	Amended
703.161	Added
703.182	Amended
703.183	Amended
703.214	Added
703.234	Added
703.300	Added
703.301	Added
703.302	Added
703.303	Added
703.304	Added
703.305	Added
703.306	Added
703-App. A	Amended
- 4) Statutory authority: 415 ILCS 5/7.2, 22.4 and 27.
- 5) Effective date of amendments: July 26, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? Yes. The existing text of Part 703 includes incorporations by reference. The centralized listing of incorporations by reference appears at 35 Ill. Adm. Code 720.111 for the purposes of all of 35 Ill. Adm. Code 702 through 705, 720 through 726, 728, 730, 733, and 739. The present amendments add the incorporation of federal RCRA noncompliance reporting requirements of 40 CFR 270.5 by reference at 35 Ill. Adm. Code 720.111 for the purposes of Section 703.305(d).
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the Board's principal office and is available for public inspection.
- 9) Notice of proposal published in Illinois Register: April 23, 1999, 23 Ill. Reg. 4944
- 10) Has JCAR issued a Statement of Objections to these amendments? No. Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to

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second notice review by JCAR.

11) Differences between proposal and final version:

Section Revised	Source(s) of Revision(s)	Revision(s)
703. table of contents	Board	Added "in R99-15"
703.121(a)(2)	JCAR	Changed ending punctuation to a period
703.121(b)	JCAR, Board, Agency	Added comma before "as provided . . ." to offset parenthetical; added "enforceable documents containing"
703.157(a)	JCAR	Removed unnecessary comma after the word "part"
703.157(d)	JCAR	Added a comma before the word "unless" to offset parenthetical
703.157(e)	JCAR	Moved ending period to follow parenthetical cross-reference
703.157(f)	JCAR	Deleted words "interim status terminates"
703.157(g)	JCAR	Deleted words "interim status terminates"
703.161(a)	Board, Agency	Subdivided proposed Section, designating former text as subsection (a); added "an enforceable document containing;" changed "comply with" to "imposes;" added "enforceable document containing;" added "or other enforceable document;" added parenthetical "as used in this Part and in 35 Ill.

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703.161(b)	Board	Adm. Code 724 and 725;" moved "or" an Agency-approved plan;" added "an order of a court of competent jurisdiction;" added "and which meets the requirements of subsection (b) of this Section;" added "An enforceable document containing alternative requirements . . . (such as . . . 42 USC 9606);" deleted "725,Subpart E"
703.Subpart C heading	JCAR	Added subsection (b)
703.183(g) Board note	JCAR, Board	Changed "which would correspond with . . ." to "corresponding with . . ."
703.183(h)(6)	JCAR	Changed ending punctuation to a semicolon
703.183(t)	JCAR	Removed ending conjunction "and"
703.183(u)	Board	Added ending conjunction "and"
703.214	JCAR, Agency, Board	Changed to singular "Section;" changed "alternative requirements" to "an alternative authority is used in lieu of a post-closure permit"
703.300	Board	Changed "this Subpart H of this Part" to "this Subpart H"
703.301(a)(2)	JCAR	Changed "this Subpart H of this Part" to "this Subpart H"

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703.301(a)(4)(A)	JCAR	Changed "this Subpart H of this Part" to "this Subpart H"
703.301(a)(4)(B)	JCAR	Changed "this Subpart H of this Part" to "this Subpart H"
703.301(b)(1)	JCAR, Board	Changed "either obtain" to "obtain either of the following"
703.301(b)(1)(B)	JCAR, Agency	Changed "this Subpart H of this Part" to "this Subpart H"
703.301(b)(2)	JCAR, Agency	Changed "this Subpart H of this Part" to "this Subpart H"
703.301(b)(3)	JCAR, Agency, Board	Changed "this Subpart H of this Part" to "this Subpart H"; moved the adverb "however" to beginning of the sentence; changed semicolon to a period to split a run-on sentence; added conjunction "or" before the word "terminated" (twice); added a comma before the word "according" to offset parenthetical (four times); changed commas to semicolons to separate elements of a series containing commas (twice); added "it will be" (twice); changed "and" to "or;" added "the permit will"
703.302(a)	JCAR, Agency	Changed "this Subpart H of this Part" to "this Subpart H"
703.302(c)	JCAR	Deleted "Sec.;" added "35" (twice)

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703.302(d)(5)(C)	JCAR	Changed "disposed" to "disposed of"
703.302(d)(6)(C)	JCAR, Board	Added comma before the word "including" to offset a parenthetical; added a comma to offset the final element of a series; changed "LDR standards" to "land disposal restrictions"
703.302(d)(9)	JCAR, Agency	Changed "this Subpart H of this Part" to "this Subpart H;" deleted "adequately"
703.302(e)	JCAR, Agency	Changed "this Subpart H of this Part" to "this Subpart H;" changed "an owner or operator" to "the owner or operator;" added comma before "as provided" to offset parenthetical; added space after "120.201"
703.303(a)(1)	JCAR, Agency	Changed "this Subpart H of this Part" to "this Subpart H"
703.303(a)(2)	JCAR	Changed "Subpart H of this Part" to "this Subpart H"
703.303(b)(2)(D)	Agency	Deleted "adequately"
703.303(d)(3)(D)	JCAR	Added a comma to offset the final element of a series
703.303(d)(3)(E)	JCAR	Used capitalized "Section"
303.303(d)(3)(F)	JCAR	Added a comma to offset the final element of a series
703.303(d)(3)(I)	JCAR	Used capitalized "Agency"
703.303(d)(4)(B)	JCAR	Added a comma to offset the final element of a series

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703.303(e)(2)	JCAR	Changed 703.303(b)" to "subsection (b) of this Section"
703.303(e)(3)	JCAR	Changed 703.303(b)" to "subsection (b) of this Section"
703.303(e)(4)	JCAR	Changed "this Subpart H of this Part" to "this Subpart H"
703.303(e)(5)	JCAR	Changed 703.303(f)" to "subsection (f) of this Section"
703.303(e)(6)	JCAR	Changed 703.303(c)(2)" to "subsection (c)(2) of this Section"
703.303(f)(1)	JCAR	Offset lengthy disjunctive clause "or any participant . . . draft RAP" with commas; changed "Section 703.303(d)" to "subsection (d) of this Section"
703.303(f)(1)(C)	JCAR	Changed 703.303(d)(3)" to "subsection (d)(3) of this Section"
703.303(g)	JCAR	Added a comma before the word "unless" to offset a parenthetical
703.303(g)(2)	JCAR	Changed 703.303(f)" to "subsection (f) of this Section"
703.304(a)	JCAR, Board	Changed "future modifications, revocations and reissuance, or terminations of the RAP" to "any future modification, revocation and reissuance, or termination of the RAP"

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703.304(b)(2)	JCAR	Used capitalized "Section"
703.304(c)(1)	JCAR	Changed 703.304(b)(1)(E) through (b)(1)(H)" to "subsections (b)(1)(E) through (b)(1)(H) of this Section"
703.304(d)	JCAR	Removed unnecessary comma after "initiative" separating a two-element series; changed "Section 703.304(b)(1)(E) through (b)(1)(G)" to "subsections (b)(1)(E) through (b)(1)(G) of this Section"
703.304(e)(1)	JCAR	Offset lengthy disjunctive clause "or any person . . . these actions" with commas
703.304(e)(2)	JCAR	Offset lengthy disjunctive clause "or any person . . . these actions" with commas
703.304(e)(3)(C)	JCAR	Changed "letter" to "petition"
703.304(g)	JCAR	Changed "this Subpart H of this Part" to "this Subpart H"
703.304(h)	JCAR	Changed "owner's or operator's" to "owner or operator"
703.305 Section heading	JCAR	Changed "an RAP" to "a RAP"
703.305(b)	JCAR	Changed "this Subpart H of this Part" to "this Subpart H"
703.305(b)(4)	JCAR	Added closing parenthesis mark
703.305(c)(2)	JCAR, Board	Changed "or" to "after;" added the word "former"

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- 703.306(c) JCAR Changed "this Subpart H of this Part" to "this Subpart H"
- 703.306(d)(4) JCAR Corrected "Section 703.183(k)" to "Section 703.183(k)." changed ending punctuation to a period
- 703.Appendix A para. G.5.b. JCAR Changed "management practices, tank design" to "management practices or tank design;" added a comma before the final element of a series
- 703.Appendix A para. H.6. JCAR Added a comma before the final element of a series
- 703.Appendix A para. J.3. Board Corrected "run-off" to "runoff"
- 703.Appendix A para. J.4. Board Corrected "run-off" to "runoff"
- 703.Appendix A para. J.7. JCAR Added a comma before the final element of a series
- 703.Appendix A para. K.2. Board Corrected "run-on" to "runon"
- 703.Appendix A para. K.3. Board Corrected "run-off" to "runoff"
- 703.Appendix A para. K.10. JCAR, Board Changed "resulting" to "that result;" added the conjunction "or;" added the preposition "which" to complete subsequent restrictive relative clause
- 703.Appendix A para. K.11. JCAR, Board Added the conjunction "or;" deleted an unnecessary comma separating a two-element series; changed "that" to "which" for a subsequent restrictive relative clause

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- 703.Appendix A para. L.3. JCAR, Board Changed commas to semicolons to separate elements of a series containing a sub-series (twice); added a semicolon to separate the last element of the series
- 703.Appendix A para. L.5.a. Board Added missing space before the word "oxygen"
- 703.Appendix A para. L.9. JCAR Changed "35 Ill. Adm. Code 703.280(j)" to "Section 703.280(j)"
- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR? Section 22.4(a) of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.
- 13) Will these amendments replace emergency amendments currently in effect? No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and purpose of amendments: A more detailed description is contained in the Board's opinion and order of June 17, 1999 in docket R99-15, which opinion and order is available from the address below. Section 22.4 of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.
- This proceeding updates the Illinois RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by the United States Environmental Protection Agency (USEPA) that appeared in the Federal Register during a single update period. The docket and time period that is involved in this proceeding is the following:
- R99-15 Federal RCRA Subtitle C amendments that occurred during the period July 1, 1998, through December 31, 1998.
- The R99-15 docket amends rules in Parts 703, 720, 721, 724, 725, 726, 728, and 733. Prior to discussing the specific changes made to this Part, the Board will describe the docket as a whole, since amendments to various

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Parts may be inter-related. The following table briefly summarizes the federal actions in the update period:

63 Fed. Reg. 37780 (July 14, 1998)
USEPA withdrew segments of a May 6, 1998 direct final rule that drew adverse comment.

63 Fed. Reg. 42109 (August 6, 1998)
USEPA adopted new waste listings and land disposal restrictions (LDRs) for petroleum wastes, including certain exclusions from regulation as hazardous waste.

63 Fed. Reg. 42580 (August 10, 1998)
USEPA adopted corrections to the May 4, 1998, organobromine production waste rules; the May 26, 1998, Phase IV LDRs; and the June 29, 1998, organobromine waste technical amendments.

63 Fed. Reg. 46331 (August 31, 1998)
USEPA adopted technical amendments to the May 4, 1998, organobromine waste rules.

63 Fed. Reg. 47409 (September 4, 1998)
USEPA changed the effective dates and adopted emergency amendments to the LDRs applicable to several carbamate wastes and waste constituents.

63 Fed. Reg. 48124 (September 9, 1998)
USEPA issued an extension of the Phase IV LDR compliance deadline, until November 26, 1998, for certain limited metal-bearing wastes.

63 Fed. Reg. 51253 (September 24, 1998)
USEPA adopted LDR treatment standards applicable to spent potliners from primary aluminum production.

63 Fed. Reg. 54356 (October 9, 1998)
USEPA changed the compliance deadline of the August 6, 1998 petroleum waste rules until December 8, 1998.

63 Fed. Reg. 56709 (October 22, 1998)
USEPA amended the treatment, storage, and disposal facility standards to allow states to use mechanisms other than permits to approve facility post-closure care plans and to allow the closure of certain units through the corrective action program.

63 Fed. Reg. 64371 (November 19, 1998)
USEPA issued a final decision not to list 14 waste solvents as hazardous waste.

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63 Fed. Reg. 65873 (November 30, 1998)
USEPA adopted new remedial action plan (RAP) requirements applicable to the treatment, storage, or disposal of hazardous remediation wastes during cleanup actions.

63 Fed. Reg. 71225 (December 24, 1998)
USEPA adopted corrective and clarifying amendments to the May 11, 1995 (60 Fed. Reg. 25492) universal waste rule. The amendments correct aspects of the standards for spent lead-acid battery management and the definition of small quantity universal waste handler, and they clarify the export requirements for destination facilities that are universal waste handlers.

The Board has already taken or does not need to take action based on five sets of these federal RCRA Subtitle C amendments. The Board dealt with the federal action of July 14, August 10 and 31, September 9, and October 9, 1998, in the prior consolidated R98-21/R99-2/R99-7 RCRA Subtitle C and underground injection control (UIC) update docket, adopted on December 17, 1998, and filed with the Secretary of State on January 19, 1999. (The Board made all but one of the federal amendments of August 6, 1998, in the consolidated R98-21/R99-7 update docket, but must complete the one minor amendment in this rulemaking.) The Board will not amend the Illinois regulations in response to the federal action of November 19, 1998, where the USEPA determination not to list the wastes as hazardous did not result in an amendment of the federal regulations.

In addition to the federal actions that fall within the timeframes of this docket, the Board is including additional federal actions that occurred later. These additional actions directly impact one or more of the actions that USEPA took within the timeframes that are involved.

64 Fed. Reg. 6806 (February 11, 1999)
USEPA adopted amendments to the exclusions from the definition of hazardous waste that have the effect of deferring regulation of certain materials as hazardous waste until February 13, 2001. The wastes affected are landfill leachate and landfill gas condensate derived from previously-disposed petroleum refining wastes (USEPA hazardous waste codes K169 through K172, originally listed on August 6, 1998 (63 Fed. Reg. 42110), effective February 6, 1998, and adopted by the Board on December 17, 1998, in consolidated update docket R98-21/R99-2/R99-7, effective January 19, 1999).

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The Board examined three federal actions that amended the Clean Water Act analytical methods, which are incorporated by reference in 35 Ill. Adm. Code 720.111. The Board updates the incorporation by reference.

63 Fed. Reg. 38756
(July 20, 1998)

USEPA published a correction to 40 C.F.R. 136.3(e) table, as published on July 1, 1997.

63 Fed. Reg. 44146
(August 18, 1998)

USEPA published a correction to 40 C.F.R. 136.3(e) table, as published on July 1, 1997.

63 Fed. Reg. 50387
(September 21, 1998)

USEPA adopted effluent discharge and wastewater pretreatment standards for the pharmaceutical manufacturing industry sector.

The Board dealt with the federal actions of July 20 and August 18, 1998, in the prior consolidated 898-21/R99-2/R99-7 RCRA Subtitle C and underground injection control (UIC) update docket, adopted on December 17, 1998, and filed with the Secretary of State on January 19, 1999. Thus, the Board is acting in this 899-15 docket on the following USEPA amendments:

63 Fed. Reg. 42109
(August 6, 1998)

USEPA adopted new waste listings and land disposal restrictions (LDRs) for petroleum wastes, including certain exclusions from regulation as hazardous waste.

63 Fed. Reg. 47409
(September 4, 1998)

USEPA changed the effective dates and adopted emergency amendments to the LDRs applicable to several carbamate wastes and waste constituents.

63 Fed. Reg. 50387
(September 21, 1998)

USEPA adopted effluent discharge and wastewater pretreatment standards for the pharmaceutical manufacturing industry sector.

63 Fed. Reg. 51253
(September 24, 1998)

USEPA adopted LDR treatment standards applicable to spent potliners from primary aluminum production.

63 Fed. Reg. 56709
(October 22, 1998)

USEPA amended the treatment, storage, and disposal facility standards to allow states to use mechanisms other than permits to approve facility post-closure care plans and to allow the closure of certain units through the corrective action program.

63 Fed. Reg. 65873
(November 30, 1998)

USEPA adopted new remedial action plan (RAP) requirements applicable to the treatment, storage, or disposal of hazardous remediation

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wastes during cleanup actions.

63 Fed. Reg. 71225
(December 24, 1998)

USEPA adopted corrective and clarifying amendments to the May 11, 1995 (60 Fed. Reg. 25492) universal waste rule. The amendments correct aspects of the standards for spent lead-acid battery management and the definition of small quantity universal waste handler, and they clarify the export requirements for destination facilities that are universal waste handlers.

64 Fed. Reg. 6806
(February 11, 1999)

USEPA adopted amendments to the exclusions from the definition of hazardous waste that have the effect of deferring regulation of certain materials as hazardous waste until February 13, 2001. The wastes affected are landfill leachate and landfill gas condensate derived from previously-disposed petroleum refining wastes (USEPA hazardous waste codes K169 through K172, originally listed on August 6, 1998 (63 Fed. Reg. 42110), effective February 6, 1999, and adopted by the Board on December 17, 1998, in consolidated update docket 898-21/R99-2/R99-7, effective January 19, 1999).

Specifically, the amendments to Part 703 implement segments of the federal October 22, 1998 amendments allowing the use of alternative mechanisms both to approve facility post-closure care plans and to allow the closure of certain units through the corrective action program and the November 30, 1998 hazardous waste remediation waste amendments.

Section 22.4 of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAB.

16) Information and questions regarding these adopted amendments shall be directed to:

Michael J. McCambridge
Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601
312-814-6924

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Request copies of the Board's opinion and order of June 17, 1999 in docket R99-15 from Patricia Jones, at 312-814-3620.

The full text of the adopted amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL
CHAPTER I: POLLUTION CONTROL BOARD
SUBCHAPTER b: PERMITS

PART 703

RCRA PERMIT PROGRAM

SUBPART A: GENERAL PROVISIONS

Section	
703.100	Scope and Relation to Other Parts
703.101	Purpose
703.110	References

SUBPART B: PROHIBITIONS

Section	
703.120	Prohibitions in General
703.121	RCRA Permits
703.122	Specific Inclusions in Permit Program
703.123	Specific Exclusions from Permit Program
703.124	Discharges of Hazardous Waste
703.125	Reapplications
703.126	Initial Applications
703.127	Federal Permits (Repealed)

SUBPART C: AUTHORIZATION BY RULE AND INTERIM STATUS

Section	Purpose and Scope	Existing HWM Facilities	Interim Status
703.140	Permits by Rule		
703.141	Application by		
703.150	Qualifications		
703.151	Application by New HWM Facilities		
703.152	Amended Part A Application		
703.153	Qualifying for Interim Status		
703.154	Prohibitions During Interim Status		
703.155	Changes During Interim Status		
703.156	Interim Status Standards		
703.157	Grounds for Termination of Interim Status		
703.158	Permits for Less Than an Entire Facility		
703.159	Closure by Removal		
703.160	Procedures for Closure Determination		
703.161	Enforceable Document for Post-Closure Care		

SUBPART D: APPLICATIONS

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Section
 703.180 Applications in General
 703.181 Contents of Part A
 703.182 Contents of Part B
 703.183 General Information
 703.184 Facility Location Information
 703.185 Groundwater Protection Information
 703.186 Exposure Information
 703.187 Solid Waste Management Units
 703.188 Other Information
 703.189 Public Participation: Pre-Application Public Notice and Meeting
 703.190 Public Participation: Public Notice of Application
 703.191 Public Participation: Information Repository
 703.192 Specific Part B Application Information
 703.193 Containers
 703.200 Tank Systems
 703.201 Surface Impoundments
 703.202 Waste Piles
 703.203 Incinerators that Burn Hazardous Waste
 703.204 Land Treatment
 703.205 Landfills
 703.206 Boilers and Industrial Furnaces Burning Hazardous Waste
 703.207 Miscellaneous Units
 703.208 Process Vents
 703.209 Equipment
 703.210 Drip Pads
 703.211 Air Emission Controls for Tanks, Surface Impoundments, and Containers
 703.212 Post-Closure Care Permits
 703.213
 703.214

SUBPART E: SHORT TERM AND PHASED PERMITS

Section
 703.221 Emergency Permits
 703.222 Incinerator Conditions Prior to Trial Burn
 703.223 Incinerator Conditions During Trial Burn
 703.224 Incinerator Conditions After Trial Burn
 703.225 Land Burns for Existing Incinerators
 703.226 Trial Treatment Demonstration
 703.227 Research, Development and Demonstration Permits
 703.231 Permits for Boilers and Industrial Furnaces Burning Hazardous Waste
 703.232 Remedial Action Plans
 703.234

SUBPART F: PERMIT CONDITIONS OR DENIAL

Section
 703.240 Permit Denial
 703.241 Establishing Permit Conditions
 703.242 Noncompliance Pursuant to Emergency Permit

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703.243 Monitoring
 703.244 Notice of Planned Changes (Repealed)
 703.245 Twenty-four Hour Reporting
 703.246 Reporting Requirements
 703.247 Anticipated Noncompliance
 703.248 Information Repository

SUBPART G: CHANGES TO PERMITS

Section
 703.260 Transfer
 703.261 Modification
 703.270 Causes for Modification
 703.271 Causes for Modification or Reissuance
 703.272 Facility Siting
 703.273 Permit Modification at the Request of the Permittee
 703.280 Class 1 Modifications
 703.281 Class 2 Modifications
 703.282 Class 3 Modifications
 703.283

SUBPART H: REMEDIAL ACTION PLANS

Section
 703.300 Why This Subpart Is Written in a Special Format
 703.301 General Information
 703.302 Applying for a RAP
 703.303 Getting a RAP Approved
 703.304 How a RAP May Be Modified, Revoked and Reissued, or Terminated
 703.305 Operating Under a RAP
 703.306 Obtaining a RAP for an Off-Site Location

APPENDIX A Classification of Permit Modifications

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/22.4 and 27].

SOURCE: Adopted in R82-19, 53 PCB 131, at 7 Ill. Reg. 14289, effective October 12, 1983; amended in R83-24 at 8 Ill. Reg. 206, effective December 27, 1983; amended in R84-9 at 9 Ill. Reg. 11899, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1110, effective January 2, 1986; amended in R85-23 at 10 Ill. Reg. 13284, effective July 28, 1986; amended in R86-1 at 10 Ill. Reg. 14093, effective August 12, 1986; amended in R86-19 at 10 Ill. Reg. 20702, effective December 2, 1986; amended in R86-28 at 11 Ill. Reg. 6121, effective March 24, 1987; amended in R86-46 at 11 Ill. Reg. 13543, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19383, effective November 12, 1987; amended in R87-26 at 12 Ill. Reg. 2584, effective January 15, 1988; amended in R87-39 at 12 Ill. Reg. 13069, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 447, effective December 27, 1988; amended in R89-1 at 13 Ill. Reg.

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18477, effective November 13, 1989; amended in 889-9 at 14 Ill. Reg. 6278, effective April 16, 1990; amended in 890-2 at 14 Ill. Reg. 14492, effective August 22, 1990; amended in 890-11 at 15 Ill. Reg. 9616, effective June 17, 1991; amended in 891-1 at 15 Ill. Reg. 14554, effective September 30, 1991; amended in 891-13 at 16 Ill. Reg. 9767, effective June 9, 1992; amended in 892-10 at 17 Ill. Reg. 5774, effective March 26, 1993; amended in 893-4 at 17 Ill. Reg. 20794, effective November 22, 1993; amended in 893-16 at 18 Ill. Reg. 6896, effective April 26, 1994; amended in 894-5 at 18 Ill. Reg. 12392, effective July 29, 1994; amended in 895-6 at 19 Ill. Reg. 9920, effective June 27, 1995; amended at 895-20 at 20 Ill. Reg. 11225, effective August 1, 1996; amended in 896-10/897-3/897-5 at 22 Ill. Reg. 553, effective December 16, 1997; amended in 898-12 at 22 Ill. Reg. 7632, effective April 15, 1998; amended in 897-21/898-3/898-5 at 22 Ill. Reg. 17930, effective September 28, 1998; amended in 898-21/899-2/899-7 at 23 Ill. Reg. 2153, effective January 19, 1999; amended in 899-15 at 23 Ill. Reg. 9381, effective JUL 26 1999.

SUBPART B: PROHIBITIONS

Section 703.121 RCRA Permits

- a) No person shall conduct any hazardous waste storage, hazardous waste treatment, or hazardous waste disposal operation:
- 1) Without a RCRA permit for the HW (hazardous waste management) facility; or
 - 2) In violation of any condition imposed by a RCRA permit.

b) Owners and operators of HW units shall have permits during the active life (including the closure period) of the unit. Owners and operators of surface impoundments, landfills, land treatment units, and waste pile units that received wastes after July 26, 1982, or that certified closure (according to 35 Ill. Adm. Code 725-215) after January 26, 1983, shall have post-closure care permits, unless they demonstrate closure by removal or decontamination, as provided under Sections 703.159 and 703.160, or obtain enforceable documents containing alternative requirements, as provided under Section 703.161. If a post-closure care permit is required, the permit must address applicable 35 Ill. Adm. Code 724 groundwater monitoring, unsaturated zone monitoring, corrective action, and post-closure care requirements.

- c) The denial of a permit for the active life of a hazardous waste management facility or unit does not affect the requirement to obtain a post-closure care permit under this Section.

BOARD NOTE: Derived from 40 CFR 270.11(c) (1998) 419807, as amended at 6354 Fed. Reg. 56735 (Oct. 22, 1998) 96087-March-77-1999.

(Source: Amended at 23 Ill. Reg. 9381 effective JUL 26 1999)

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Section 703.157 Grounds for Termination of Interim Status

Interim status terminates when:

- a) Final administrative disposition is made of a permit application, except an application for a remedial action plan (RAP) under Subpart H of this Part is made; or
- b) The owner or operator fails to furnish a requested Part B application on time, or to furnish the full information required by the Part B application, in which case the Agency shall notify the owner and operator of the termination of interim status following the procedures for a notice of intent to deny a permit pursuant to 35 Ill. Adm. Code 705.
- c) For owners or operators of each land disposal facility which has been granted interim status prior to November 8, 1984, on November 8, 1985, unless:
 - 1) The owner or operator submits a Part B application for a permit for such facility prior to that date; and
 - 2) The owner or operator certifies that such facility is in compliance with all applicable groundwater monitoring and financial responsibility requirements.
- d) For owners or operators of each land disposal facility which is in existence on the effective date of statutory or regulatory amendments under the Resource Conservation and Recovery Act that render the facility subject to the requirement to have a RCRA permit and which is granted interim status, twelve months after the date on which the facility first becomes subject to such permit requirement, unless the owner or operator of such facility:
 - 1) Submits a Part B application for a RCRA permit for such facility before the date 12 months after the date on which the facility first becomes subject to such permit requirement; and
 - 2) Certifies that such facility is in compliance with all applicable groundwater monitoring and financial responsibility requirements.
- e) For owners or operators of any land disposal unit that is granted authority to operate under Section 703.155(a)(1), (2) or (3), on the day 12 months after the effective date of such requirement, unless the owner or operator certifies that such unit is in compliance with all applicable groundwater monitoring and financial responsibility requirements (35 Ill. Adm. Code 725-190 et seq. and 725-240 et seq.).
- f) For owners and operators of each incinerator facility which achieved interim status prior to November 8, 1984, interim status terminates on November 8, 1989, unless the owner or operator of the facility submits a Part B application for a RCRA permit for an incinerator facility by November 8, 1986.
- g) For owners and operators of any facility (other than a land disposal or an incinerator facility) which achieved interim status prior to November 8, 1984, interim status terminates on November 8, 1992, unless the owner or operator of the facility submits a Part B application for a RCRA permit for the facility by November 8, 1988.

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BOARD NOTE: Derived from 40 CFR 270.10(e)(5) (1998) (4998) and 270.73 (1998 1998, as amended at 63 56 Fed. Reg. 65941 (Nov. 30, 1998) 72667-February-217 1991.

(Source: Amended at 23 Ill. Reg. 93 81 effective Jul 26 1999)

SUBPART C AUTHORIZATION BY RULE AND INTERIM STATUS

Section 703.161 Enforceable Document for Post-Closure Care

- a) An owner or operator may obtain an enforceable document containing alternative requirements for post-closure care that imposes the requirements of 35 Ill. Adm. Code 725.221. "Enforceable document containing Alternative requirements" or other enforceable document, as used in this Part and in 35 Ill. Adm. Code 724 and 725, means an order of the Board, an Agency-approved plan, or an order of a court of competent jurisdiction that meets the requirements of subsection(b) of this Section. An "enforceable document" containing alternative requirements" or "other enforceable document, may also mean an order of USEPA (such as pursuant to section 3008(h) of RCRA, 42 USC 6928(b)) or under section 106 of the Federal Comprehensive Environmental Response, Compensation and Liability Act, 42 USC 9606).
- b) Any alternative requirements issued under this Section or established to satisfy the requirements of 35 Ill. Adm. Code 724.190(f), 724.210(c), 724.240(d), 725.190(f), 725.210(c), or 725.240(d) shall be embodied in a document that is enforceable and subject to appropriate compliance orders and civil penalties under Titles VIII and XII of the Act.

BOARD NOTE: Derived from 40 CFR 270.1(c)(7), as added at 63 Fed. Reg. 56735 (Oct. 22, 1998).

(Source: Added at 23 Ill. Reg. 93 81 effective Jul 26 1999)

SUBPART D: APPLICATIONS

Section 703.182 Contents of Part B

Part B information requirements presented in Sections 703.183 et seq. reflect the standards promulgated in 35 Ill. Adm. Code 724. These information requirements are necessary in order for the Agency to determine compliance with the 35 Ill. Adm. Code 724 standards. If owners and operators of HWM facilities can demonstrate that the information prescribed in Part B cannot be provided to the extent required, the Agency may make allowance for submission of such information on a case by case basis. Information required in Part B shall be submitted to the Agency and signed in accordance with requirements in 35 Ill. Adm. Code 702.126. Certain technical data, such as design drawings and

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specifications and engineering studies, shall be certified by a registered professional engineer. For post-closure care permits, only the information specified in Section 703.214 is required in Part B of the permit application. Part B of the RCRA application includes the following:

- General information (Section 703.183);
- Facility location information (Section 703.184);
- Ground-water protection information (Section 703.185);
- Exposure information (Section 703.186);
- Specific information (Section 703.200 et seq.).

BOARD NOTE: Derived from 40 CFR 270.14(a)(1998), as amended at 63 Fed. Reg. 56734 (Oct. 22, 1998).

(Source: Amended at 23 Ill. Reg. 93 81 effective Jul 26 1999)

Section 703.183 General Information

The following information is required in the Part B application for all HWM facilities, except as 35 Ill. Adm. Code 724.101 provides otherwise:

- A general description of the facility;
 - Chemical and physical analyses of the hazardous wastes and hazardous debris to be handled at the facility. At a minimum, these analyses must contain all the information which must be known to treat, store, or dispose of the wastes properly in accordance with 35 Ill. Adm. Code 724;
 - A copy of the waste analysis plan required by 35 Ill. Adm. Code 724.113(b) and, if applicable, 35 Ill. Adm. Code 724.113(c);
 - A description of the security procedures and equipment required by 35 Ill. Adm. Code 724.114, or a justification demonstrating the reasons for requesting a waiver of this requirement;
 - A copy of the general inspection schedule required by 35 Ill. Adm. Code 724.115(b). Include where applicable, as part of the inspection schedule, specific requirements in 35 Ill. Adm. Code 724.274, 724.293(i), 724.295, 724.326, 724.334, 724.373, 724.403, 724.702, 724.933, 724.952, 724.953, 724.956, 724.984, 724.985, 724.986, and 724.988;
 - A justification of any request for a waiver of the preparedness and prevention requirements of 35 Ill. Adm. Code 724.274.Subpart C;
 - A copy of the contingency plan required by 35 Ill. Adm. Code 724.240.Subpart D;
- BOARD NOTE: Include, where applicable, as part of the contingency plan, specific requirements in 35 Ill. Adm. Code 724.200 and 724.327 end---724-355 Corresponding 40 CFR 270.14(b)(7) refers to the requirements of 40 CFR 264.255 (that would correspond with 35 Ill. Adm. Code 724.355), marked "Reserved" by USEPA has-not-yet-been adopted.
- A description of procedures, structures, or equipment used at the

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facility to:

- 1) Prevent hazards in unloading operations (for example, ramps, or special forklifts);
 - 2) Prevent runoff from hazardous waste handling areas to other areas of the facility or environment, or to prevent flooding (for example, berms, dikes, or trenches);
 - 3) Prevent contamination of water supplies;
 - 4) Mitigate effects of equipment failure and power outages;
 - 5) Prevent undue exposure of personnel to hazardous waste (for example, protective clothing); and
 - 6) Prevent releases to the atmosphere;
- i) A description of precautions to prevent accidental ignition or reaction of ignitable, reactive, or incompatible wastes, as required to demonstrate compliance with 35 Ill. Adm. Code 724.117, including documentation demonstrating compliance with 35 Ill. Adm. Code 724.117(c);
- j) Traffic pattern, estimated volume (number and types of vehicles), and control (for example, show turns across traffic lanes and stacking lanes, if appropriate); describe access road surfacing and load bearing capacity; and show traffic control signals;
- k) Facility location information, as required by Section 703.184;
- l) An outline of both the introductory and continuing training programs by the owner or operator to prepare persons to operate or maintain the HWM facility in a safe manner, as required to demonstrate compliance with 35 Ill. Adm. Code 724.116. A brief description of how training will be designed to meet actual job tasks in accordance with requirements in 35 Ill. Adm. Code 724.116(a)(3);
- m) A copy of the closure plan and, where applicable, the post-closure plan required by 35 Ill. Adm. Code 724.212, 724.218, and 724.297. Include where applicable, as part of the plans, specific requirements in 35 Ill. Adm. Code 724.278, 724.297, 724.328, 724.358, 724.380, 724.410, 724.451, 724.701, and 724.703;
- n) For hazardous waste disposal units that have been closed, documentation that notices required under 35 Ill. Adm. Code 724.219 have been filed;
- o) The most recent closure cost estimate for the facility, prepared in accordance with 35 Ill. Adm. Code 724.242, and a copy of the documentation required to demonstrate financial assurance under 35 Ill. Adm. Code 724.243. For a new facility, a copy of the required documentation may be submitted 60 days prior to the initial receipt of hazardous wastes, if it is later than the submission of the Part B permit application;
- p) Where applicable, the most recent post-closure cost estimate for the facility, prepared in accordance with 35 Ill. Adm. Code 724.244, plus a copy of the documentation required to demonstrate financial assurance under 35 Ill. Adm. Code 724.245. For a new facility, a copy of the required documentation may be submitted 60 days prior to the initial receipt of hazardous wastes, if it is later than the

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- q) Submission of the Part B permit application: Where applicable, a copy of the insurance policy or other documentation which comprises compliance with the requirements of 35 Ill. Adm. Code 724.247. For a new facility, documentation showing the amount of insurance meeting the specification of 35 Ill. Adm. Code 724.247(a) and, if applicable, 35 Ill. Adm. Code 724.247(b) that the owner or operator plans to have in effect before initial receipt of hazardous waste for treatment, storage, or disposal. A request for an alternative level of required coverage for a new or existing facility may be submitted as specified in 35 Ill. Adm. Code 724.247(c);
- r) This subsection corresponds with 40 CFR 270.14(b)(18), pertaining to State financial mechanisms that do not apply in Illinois. This statement maintains structural parity with the federal regulations.
- s*) A topographic map showing a distance of 1000 feet around the facility at a scale of 2.5 centimeters (1 inch) equal to not more than 61.0 meters (200 feet). Contours must be shown on the map. The contour interval must be sufficient to clearly show the pattern of surface water flow in the vicinity of and from each operational unit of the facility. For example, contours with an interval of 1.5 meters (5 feet), if relief is greater than 6.1 meters (20 feet), or an interval of 0.6 meters (2 feet), if relief is less than 6.1 meters (20 feet). Owners and operators of HWM facilities located in mountainous areas shall use larger contour intervals to adequately show topographic profiles of facilities. The map must clearly show the following:
- 1) Map scale and date;
 - 2) 100-year floodplain area;
 - 3) Surface waters including intermittent streams;
 - 4) Surrounding land uses (e.g., residential, commercial, agricultural, recreational, etc.);
 - 5) A wind rose (i.e., prevailing windspeed and direction);
 - 6) Orientation of the map (north arrow);
 - 7) Legal boundaries of the HWM facility site;
 - 8) Access control (e.g., fences, gates, etc.);
 - 9) Injection and withdrawal wells both on-site and off-site;
 - 10) Buildings (treatment, storage, or disposal operations; or other structures (e.g., recreation areas, runoff control systems, access and internal roads, storm, sanitary and process sewage, systems, loading and unloading areas, fire control facilities, etc.);
 - 11) Barriers for drainage or flood control;
 - 12) Location of operational units within the HWM facility site, where hazardous waste is (or will be) treated, stored, or disposed (include equipment cleanup areas);
- BOARD NOTE: For large HWM facilities, the Agency shall allow the use of other scales on a case by case basis.
- t*) Applicants shall submit such information as the Agency determines is necessary for it to determine whether to issue a permit and what conditions to impose in any permit issued, and

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ut) For land disposal facilities, if a case-by-case extension has been approved under 35 Ill. Adm. Code 728.105 or if a petition has been approved under 35 Ill. Adm. Code 728.106, a copy of the notice of approval of the extension or of approval of the petition is required; and

vu) A summary of the pre-application meeting, along with a list of attendees and their addresses, and copies of any written comments or materials submitted at the meeting, as required under 35 Ill. Adm. Code 703.191(c).

BOARD NOTE: Derived from 40 CFR 270.14(b) (1998) (+9967)--as--amended--at--61 Fed.-Reg.-59996 (Nov.-25-1996).

(Source: Amended at 23 Ill. Reg. 93 81 -, effective JUL 26 1999)

Section 703.214 Post-Closure Care Permits

For post-closure care permits, the owner or operator is required to submit only the information specified in Sections 703.183(a), (d), (e), (f), (k), (m), (n), (p), (r), and (s); 703.185; and 703.187, unless the Agency determines that additional information from Section 703.183, 703.202, 703.203, 703.204, 703.206, or 703.207 is necessary. The owner or operator is required to submit the same information when an alternative authority is used in lieu of a post-closure permit as provided in Section 703.161.

BOARD NOTE: Derived from 40 CFR 270.28, as added at 63 Fed. Reg. 56735 (Oct. 22, 1998).

(Source: Added at 23 Ill. Reg. 93 81 -, effective JUL 26 1999)

SUBPART E: SHORT TERM AND PHASED PERMITS

Section 703.234 Remedial Action Plans

Remedial Action Plans (RAPs) are special forms of permits that are regulated under Subpart H of this Part.

BOARD NOTE: Derived from 40 CFR 270.68, as added at 63 Fed. Reg. 65941 (Nov. 30, 1998).

(Source: Added at 23 Ill. Reg. 93 81 -, effective JUL 26 1999)

SUBPART H: REMEDIAL ACTION PLANS

Section 703.300 Why This Subpart Is Written in a Special Format

USEPA wrote the federal counterpart to this Subpart, 40 CFR 270, Subpart H, in a special format to make it easier to understand the regulatory requirements.

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The Board has adapted this Subpart H of this Part to use essentially the same format. Like all other regulations, this Subpart establishes enforceable legal requirements.

BOARD NOTE: Derived from 40 CFR 270.79, added at 63 Fed. Reg. 65941 (Nov. 30, 1998).

(Source: Added at 23 Ill. Reg. 93 81 -, effective JUL 26 1999)

Section 703.301 General Information

- a) What is a RAP?
- 1) A RAP is a special form of RCRA permit that an owner or operator may obtain, instead of a permit issued under 35 Ill. Adm. Code 702 and this Part, to authorize the owner or operator to treat, store, or dispose of hazardous remediation waste (as defined in 35 Ill. Adm. Code 720.110) at a remediation waste management site. A RAP may only be issued for the area of contamination where the remediation wastes to be managed under the RAP originated, or areas in close proximity to the contaminated area, except as allowed in limited circumstances under Section 703.306.
 - 2) The requirements in 35 Ill. Adm. Code 702 and this Part do not apply to RAPs unless those requirements for traditional RCRA permits are specifically required under this Subpart H. The definitions in 35 Ill. Adm. Code 702.110 apply to RAPs.
 - 3) Notwithstanding any other provision of 35 Ill. Adm. Code 702 or this Part, any document that meets the requirements in this Section constitutes a RCRA permit, as defined in 35 Ill. Adm. Code 702.110.
 - 4) A RAP may be either of the following:
 - A) A stand-alone document that includes only the information and conditions required by this Subpart H; or
 - B) A part (or parts) of another document that includes information or conditions for other activities at the remediation waste management site, in addition to the information and conditions required by this Subpart H.
 - 5) If an owner or operator is treating, storing, or disposing of hazardous remediation wastes as part of a cleanup compelled by authorities issued by USEPA or the State of Illinois, a RAP does not affect the obligations under those authorities in any way.
 - 6) If an owner or operator receives a RAP at a facility operating under interim status, the RAP does not terminate the facility's interim status.

BOARD NOTE: Derived from 40 CFR 270.80, added at 63 Fed. Reg. 65942 (Nov. 30, 1998).

b) When does an owner or operator need a RAP?

- 1) Whenever an owner or operator treats, stores, or disposes of hazardous remediation wastes in a manner that requires a RCRA

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permit under Section 703.12), an owner or operator shall obtain either of the following:

- A) A RCRA permit according to 35 Ill. Adm. Code 702 and this Part; or

B) A RAP according to this Subpart H.

2) Treatment units that use combustion of hazardous remediation wastes at a remediation waste management site are not eligible for RAPs under this Subpart H.

3) An owner or operator may obtain a RAP for managing hazardous remediation waste at an already permitted RCRA facility. An owner or operator shall have the RAP approved as a modification to the owner's or operator's existing permit according to the requirements of Sections 703.270 through 703.273 of Sections 703.280 through 703.283 instead of the requirements in this Subpart H. However, when an owner or operator submits an application for such a modification, the information requirements in Sections 703.281(a)(1), 703.282(a)(4), and 703.283(a)(4) do not apply. Instead, an owner or operator shall submit the information required under Section 703.302(d). When the owner or operator's RCRA permit is modified, the RAP becomes part of the RCRA permit. Therefore, when the owner's operator's RCRA permit (including the RAP) expires, the permit is revised and modified according to the applicable requirements in Sections 703.270 through 703.273 or 703.280 through 703.283; it will be revoked and reissued according to the applicable requirements in 35 Ill. Adm. Code 702.186 and Section 703.270 through 703.273, or it will be terminated according to the applicable requirements in 35 Ill. Adm. Code 702.186 or the permit will expire according to the applicable requirements in 35 Ill. Adm. Code 702.187 and 702.161.

BOARD NOTE: Derived from 40 CFR 270.85, added at 63 Fed. Reg. 65942 (Nov. 30, 1998).

Does a RAP grant an owner or operator any rights or relieve it of any obligations? The provisions of 35 Ill. Adm. Code 702.181 apply to

BOARD NOTE: Derived from 40 CFR 270.90, added at 63 Fed. Reg. 65942 (Nov. 30, 1998). The corresponding federal provision includes an explanation that 40 CFR 270.4 provides that compliance with a permit constitutes compliance with RCRA. This is contrary to Illinois law, which requires compliance with a permit does not constitute an absolute defense to a charge of violation of a substantive standard other than failure to operate in accordance with the terms of a permit. See 35 Ill. Adm. Code 702.181(a) and accompanying Board Note.

(Source: Added at 23 Ill. Reg. 9381, effective Jul. 26, 1999.)

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Section 703.302 Applying for a RAP

a) Applying for a RAP. To apply for a RAP, an owner or operator shall complete an application, sign it, and submit it to the Agency according to the requirements in this Subpart H. BOARD NOTE: Derived from 40 CFR 270.95, added at 63 Fed. Reg. 65942 (Nov. 30, 1998).

b) Who must obtain a RAP? When a facility or remediation waste management site is owned by one person, but the treatment, storage, or disposal activities are operated by another person, it is the operator's duty to obtain a RAP, except that the owner shall also sign the RAP application. BOARD NOTE: Derived from 40 CFR 270.100, added at 63 Fed. Reg. 65942 (Nov. 30, 1998).

c) Who must sign the application and any required reports for a RAP? Both the owner and the operator shall sign the RAP application and any required reports according to 35 Ill. Adm. Code 702.126(a), (b), and (c). In the application, both the owner and the operator shall also make the certification required under 35 Ill. Adm. Code 702.126(d)(1). However, the owner may choose the alternative certification under 35 Ill. Adm. Code 702.126(d)(2) if the operator certifies under 35 Ill. Adm. Code 702.126(d)(1).

BOARD NOTE: Derived from 40 CFR 270.105, added at 63 Fed. Reg. 65942 (Nov. 30, 1998).

d) What must an owner or operator include in its application for a RAP? An owner or operator shall include the following information in its application for a RAP:

- 1) The name, address, and USEPA identification number of the remediation waste management site;
- 2) The name, address, and telephone number of the owner and operator;
- 3) The latitude and longitude of the site;
- 4) The United States Geological Survey (USGS) or county map showing the location of the remediation waste management site;
- 5) A detailed sketch of the remediation waste management site showing the following:

- A) The remediation waste management site boundaries;
- B) Any significant physical structures, and
- C) Any boundaries of all on-site waste remediation waste is to be treated, stored, or disposed of;

6) A specification of the hazardous remediation waste to be treated, stored, or disposed of at the facility or remediation waste management site. This must include information on the following:

- A) Constituent concentrations and other properties of the hazardous remediation wastes that may affect how such material should be treated or otherwise managed;
- B) An estimate of the quantity of these wastes; and
- C) A description of the processes an owner or operator will use

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- to treat, store, or dispose of this waste, including technologies, handling systems, design, and operating parameters. An owner or operator will use to treat hazardous waste before disposing of them according to the land disposal restrictions of 35 Ill. Adm. Code 726, as applicable.
- 7) Enough information to demonstrate that operations that follow the provisions of the owner's or operator's RAP application will ensure compliance with applicable requirements of 35 Ill. Adm. Code 724, 726, and 728;
- 8) Such information as may be necessary to enable the Agency to carry out its duties under other Federal laws as is required for traditional RCRA permits under Section 703.183(l);
- 9) All other information the Agency decides is necessary for demonstrating compliance with this Subpart H or for determining any additional RAP conditions that are necessary to adequately protect human health and the environment.

BOARD NOTE: Derived from 40 CFR 270.110, added at 63 Fed. Reg. 65942 (Nov. 30, 1998).

- e) What if an owner or operator wants to keep this information confidential? 35 Ill. Adm. Code 120 allows an owner or operator to claim as confidential any or all of the information an owner or operator submits to the Agency under this Subpart H. An owner or operator shall assert any such claim at the time that the owner or operator submits its RAP application or other submissions by stamping the words "trade secret" in red ink, as provided in 35 Ill. Adm. Code 120.305. If an owner or operator asserts a claim in compliance with 35 Ill. Adm. Code 120.201 at the time it submits the information, the Agency shall treat the information according to the procedures in 35 Ill. Adm. Code 120. If an owner or operator does not assert a claim at the time it submits the information, the Agency shall make the information available to the public without further notice to the owner or operator. The Agency must deny any requests for confidentiality of the owner's or operator's name or address.

BOARD NOTE: Derived from 40 CFR 270.115, added at 63 Fed. Reg. 65943 (Nov. 30, 1998).

- f) To whom must the owner or operator submit its RAP application? An owner or operator shall submit its application for a RAP to the Agency for approval.

BOARD NOTE: Derived from 40 CFR 270.120, added at 63 Fed. Reg. 65943 (Nov. 30, 1998).

- g) If an owner or operator submits its RAP application as part of another document, what must the owner or operator do? If an owner or operator submits its application for a RAP as a part of another document, an owner or operator shall clearly identify the components of that document that constitute its RAP application.

BOARD NOTE: Derived from 40 CFR 270.125, added at 63 Fed. Reg. 65943 (Nov. 30, 1998).

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(Source: Added at 23 Ill. Reg. 9381, effective JUL 26 1999.)

Section 703.303 Getting a RAP Approved

- a) What is the process for approving or denying an application for a RAP? If the Agency tentatively finds that an owner's or operator's RAP application includes all of the information required by Section 703.302(d) and that the proposed remediation waste management activities meet the regulatory standards, the Agency shall make a tentative decision to approve the RAP application. The Agency shall then prepare a draft RAP and provide an opportunity for public comment before making a final decision on the RAP application, according to this Subpart H.

- 2) If the Agency tentatively finds that the owner's or operator's RAP application does not include all of the information required by Section 703.302(d) or that the proposed remediation waste management activities do not meet the regulatory standards, the Agency may request additional information from an owner or operator or ask an owner or operator to correct deficiencies in the owner's or operator's application. If an owner or operator fails or refuses to provide any additional information the Agency requests, or to correct any deficiencies in its RAP application, the Agency may either make a tentative decision to deny that owner's or operator's RAP application or to approve that application with certain changes, as allowed under Section 39 of the Act [415 ILCS 5/39]. After making this tentative decision, the Agency shall prepare a notice of intent to deny the RAP application ("notice of intent to deny") or to approve that application with certain changes and provide an opportunity for public comment before making a final decision on the RAP application, according to the requirements in this Subpart H.

BOARD NOTE: Derived from 40 CFR 270.130, added at 63 Fed. Reg. 65943 (Nov. 30, 1998).

- b) What must the Agency include in a draft RAP? If the Agency prepares a draft RAP, the draft must include the following information:

- 1) The information required under Section 703.302(d)(1) through (d)(6);
- 2) The following terms and conditions:
 - A) Terms and conditions necessary to ensure that the operating requirements specified in the RAP comply with applicable requirements of 35 Ill. Adm. Code 724, 726, and 728 (including any recordkeeping and reporting requirements). In satisfying this provision, the Agency may incorporate expressly or by reference, applicable requirements of 35 Ill. Adm. Code 724, 726, and 728 into the RAP or establish site-specific conditions, as required or allowed by 35 Ill. Adm. Code 724, 726, and 728.

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B) The terms and conditions in Subpart F of this Part;
 C) The terms and conditions for modifying, revoking and renewing, and terminating the RAP, as provided in Section 703.304(a), and

D) Any additional terms or conditions that the Agency determines are necessary to adequately protect human health and the environment, including any terms and conditions necessary to respond to spills and leaks during use of any units permitted under the RAP; and

3) If the draft RAP is part of another document, as described in Section 703.301(a)(4)(B), the Agency shall clearly identify the component of that document that constitute the draft RAP.

BOARD NOTE: Derived from 40 CFR 270.135, added at 63 Fed. Reg. 65943 (Nov. 30, 1998).

c) What else must the Agency prepare in addition to the draft RAP or notice of intent to deny? Once the Agency has prepared the draft RAP or notice of intent to deny, it shall then do the following:

1) Prepare a statement of basis that briefly describes the derivation of the conditions of the draft RAP and the reasons for them, or the rationale for the notice of intent to deny;

2) Compile an administrative record, including the following information:

A) The RAP application, and any supporting data furnished by the applicant;

B) The draft RAP or notice of intent to deny;

C) The statement of basis and all documents cited therein (material readily available at the applicable Agency office or published material that is generally available need not be physically included with the rest of the record, as long as it is specifically referred to in the statement of basis); and

D) Any other documents that support the decision to approve or deny the RAP; and

3) Make information contained in the administrative record available for review by the public upon request.

BOARD NOTE: Derived from 40 CFR 270.140, added at 63 Fed. Reg. 65943 (Nov. 30, 1998).

d) What are the procedures for public comment on the draft RAP or notice of intent to deny?

1) The Agency shall publish notice of its intent as follows:

A) Send notice to an owner or operator of its intention to approve or deny the owner's or operator's RAP application, and send an owner or operator a copy of the statement of basis;

B) Publish a notice of its intention to approve or deny the owner's or operator's RAP application in a major local newspaper of general circulation;

C) Broadcast its intention to approve or deny the owner's or

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operator's RAP application over a local radio station; and
 D) Send a notice of its intention to approve or deny the owner's or operator's RAP application to each unit of local government having jurisdiction over the area in which the owner's or operator's site is located, and to each State agency having any authority under State law with respect to construction or operations at the site.

2) The notice required by subsection (d)(1) of this Section must provide an opportunity for the public to submit written comments on the draft RAP or notice of intent to deny within at least 45 days.

3) The notice required by subsection (d)(1) of this Section must include the following information:

A) The name and address of the Agency office processing the RAP application;

B) The name and address of the RAP applicant, and if different, the remediation waste management site or activity the RAP will regulate;

C) A brief description of the activity the RAP will regulate;

D) The name, address, and telephone number of a person from whom interested persons may obtain further information, including copies of the draft RAP or notice of intent to deny, statement of basis, and the RAP application;

E) A brief description of the comment procedures in this Section, and any other procedures by which the public may participate in the RAP decision;

F) If a hearing is scheduled, the date, time, location, and purpose of the hearing;

G) If a hearing is not scheduled, a statement of procedures to request a hearing;

H) The location of the administrative record, and times when it will be open for public inspection; and

I) Any additional information that the Agency considers necessary or proper.

4) If, within the comment period, the Agency receives written notice of opposition to its intention to approve or deny the owner's or operator's RAP application and a request for a hearing, the Agency shall hold an informal public hearing to discuss issues relating to the approval or denial of the owner's or operator's RAP application. The Agency may also determine on its own initiative that an informal hearing is appropriate. The hearing must include an opportunity for any person to present written or oral comments. Whenever possible, the Agency shall schedule this hearing at a location convenient to the nearest population center to the remediation waste management site and give notice according to the requirements in subsection (d)(1) of this Section. This notice must, at a minimum, include the information required by subsection (d)(3) of this Section and the following

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Additional information:

- A) A reference to the date of any previous public notices relating to the RAP application;
- B) The date, time, and place of the hearing; and
- C) A brief description of the nature and purpose of the hearing, including the applicable rules and procedures.

BOARD NOTE: Derived from 40 CFR 270.145, added at 63 Fed. Reg. 65943 (Nov. 30, 1998).

e) How must the Agency make a final decision on a RAP application?

- 1) The Agency shall consider and respond to any significant comments raised during the public comment period or during any hearing on the draft RAP or notice of intent to deny, and the Agency may then issue the draft RAP based on those comments, as appropriate.

- 2) If the Agency determines that the owner's or operator's RAP includes the information and terms and conditions required in subsection (b) of this Section, then it will issue a final decision approving the owner's or operator's RAP and, in writing, notify the owner or operator and all commenters on the owner's or operator's draft RAP that the RAP application has been approved.

- 3) If the Agency determines that the owner's or operator's RAP does not include the information required in subsection (b) of this Section, then it will issue a final decision denying the RAP and, in writing, notify the owner or operator and all commenters on the owner's or operator's draft RAP that the RAP application has been denied.

- 4) If the Agency's final decision is that the tentative decision to deny the RAP application was incorrect, it shall withdraw the notice of intent to deny and proceed to prepare a draft RAP, according to the requirements in this Subpart H.

- 5) When the Agency issues its final RAP decision, it shall refer to the procedures for appealing the decision under subsection (f) of this Section.

- 6) Before issuing the final RAP decision, the Agency shall compile an administrative record. Material readily available at the applicable Agency office or published materials that are generally available and which are included in the administrative record need not be physically included with the rest of the record, as long as it is specifically referred to in the statement of basis or the response to comments. The administrative record for the final RAP must include information in the administrative record for the draft RAP (see subsection (c)(2) of this Section) and the following items:

- A) All comments received during the public comment period;
- B) Types of transcripts of any hearings;
- C) Any written materials submitted at these hearings;
- D) The responses to comments;
- E) Any new material placed in the record since the draft RAP was issued;

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- F) Any other documents supporting the RAP; and
- G) A copy of the final RAP.

- 7) The Agency shall make information contained in the administrative record available for review by the public upon request.

BOARD NOTE: Derived from 40 CFR 270.150, added at 63 Fed. Reg. 65944 (Nov. 30, 1998).

f) May the decision to approve or deny a RAP application be administratively appealed?

- 1) Any commenter on the draft RAP or notice of intent to deny, or any participant in any public hearing on the draft RAP, may appeal the Agency's decision to approve or deny the owner's or operator's RAP application to the Board under 35 Ill. Adm. Code 705.212. Any person that did not file comments, or did not participate in any public hearing(s) on the draft RAP, may petition for administrative review only to the extent of the changes from the draft to the final RAP decision. Appeals of RAPs may be made to the same extent as for final permit decisions under 35 Ill. Adm. Code 705.201 (or a decision under Section 703.240 to deny a permit for the active life of a RCRA hazardous waste management facility or unit). Instead of the notice required under 35 Ill. Adm. Code 705-Subpart D and 705.212(C), the Agency shall give public notice of any grant of review of a RAP through the same means used to provide notice under subsection (d) of this Section. The notice will include the following information:

- A) The public hearing and any briefing schedule for the appeal, as provided by the Board;
- B) A statement that any interested person may participate in the public hearing or file public comments or an amicus brief with the Board; and
- C) The information specified in subsection (d)(3) of this Section, as appropriate.

- 2) This appeal is a prerequisite to seeking judicial review of these Agency actions.

BOARD NOTE: Derived from 40 CFR 270.155, added at 63 Fed. Reg. 65944 (Nov. 30, 1998).

g) When does a RAP become effective? An RAP becomes effective 35 days after the Agency notifies the owner or operator and all commenters that the RAP is approved, unless any of the following is true:

- 1) The Agency specifies a later effective date in its decision;
- 2) An owner or operator or another person has appealed the RAP under subsection (f) of this Section (if the RAP is appealed, the request for review is granted under subsection (f), conditions of the RAP are stayed according to 35 Ill. Adm. Code 705.202 through 705.204); or
- 3) No commenters requested a change in the draft RAP, in which case the RAP becomes effective immediately when it is issued.

BOARD NOTE: Derived from 40 CFR 270.160, added at 63 Fed. Reg. 65944 (Nov. 30, 1998).

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(Nov. 30, 1998). The corresponding federal provision provides that a RAP is effective 30 days after the Agency notice of approval. The Board has used 35 days to be consistent with the 35 days within which a permit appeal must be filed under Section 40(a)(1) of the Act (415 ILCS 5/40(a)(1)).

- b) When may an owner or operator begin physical construction of new units permitted under the RAP? An owner or operator shall not begin physical construction of new units permitted under the RAP for treating, storing, or disposing of hazardous remediation waste before receiving a finally effective RAP.

BOARD NOTE: Derived from 40 CFR 270.165, added at 63 Fed. Reg. 65944 (Nov. 30, 1998).

(Source: Added at 23 Ill. Reg. 00-81, effective Jul 26 1999.)

Section 703.304 How a RAP May Be Modified, Revoked and Reissued, or Terminated

- a) After a RAP is issued, how may it be modified, revoked and reissued, or terminated? In a RAP, the Agency shall specify, either directly or by reference, procedures for any future modification, revocation and reissuance, or termination of the RAP. These procedures must provide adequate opportunities for public review and comment on any modification, revocation and reissuance, or termination that would significantly change the owner's or operator's management of its remediation waste, or that otherwise merits public review and comment. If the RAP has been incorporated into a traditional RCRA permit, as allowed under Section 703.301(b)(3), then the RAP will be modified according to the applicable requirements in Sections 703.260 through 703.283, revoked and reissued according to the applicable requirements in 35 Ill. Adm. Code 702.186 and Sections 703.270 through 703.273, or terminated according to the applicable requirements of 35 Ill. Adm. Code 702.186.

BOARD NOTE: Derived from 40 CFR 270.170, added at 63 Fed. Reg. 65944 (Nov. 30, 1998).

- b) For what reasons may the Agency choose to modify a final RAP?

1) The Agency may modify the owner's or operator's final RAP on its own initiative only if one or more of the following reasons do not exist in this Section exist. If one or more of these reasons do not exist, then the Agency shall not modify a final RAP, except at the request of the owner or operator. Reasons for modification are the following:

a) The owner or operator made material and substantial alterations or additions to the activity that justify applying different conditions;

b) The Agency finds new information that was not available at the time of RAP issuance and would have justified applying different RAP conditions at the time of issuance.

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c) The standards or regulations on which the RAP was based have changed because of new or amended statutes, standards, or regulations or by judicial decision after the RAP was issued.

d) If the RAP includes any schedules of compliance, the Agency may find reasons to modify the owner's or operator's compliance schedule, such as an act of God, strike, flood, or materials shortage or other events over which an owner or operator has little or no control, and for which there is no reasonably available remedy.

e) The owner or operator is not in compliance with conditions of its RAP.

f) The owner or operator failed in the application or during the RAP issuance process to disclose fully all relevant facts, or an owner or operator misrepresented any relevant facts at the time;

g) The Agency has determined that the activity authorized by the owner's or operator's RAP endangers human health or the environment and can only be remedied by modifying the RAP, or

h) The owner or operator has notified the Agency (as required in the RAP and under 35 Ill. Adm. Code 702.152(c)) of a proposed transfer of a RAP.

2) Notwithstanding any other provision in this Section, when the Agency reviews a RAP for a land disposal facility under Section 703.304(f), it may modify the permit as necessary to assure that the facility continues to comply with the currently applicable requirements in 35 Ill. Adm. Code 702, 703, 705, and 720 through 726.

3) The Agency shall not reevaluate the suitability of the facility location at the time of RAP modification unless new information or standards indicate that a threat to human health or the environment exists that was unknown when the RAP was issued.

BOARD NOTE: Derived from 40 CFR 270.175, added at 63 Fed. Reg. 65944 (Nov. 30, 1998).

c) For what reasons may the Agency choose to revoke and reissue a final RAP?

1) The Agency may revoke and reissue a final RAP on its own initiative only if one or more reasons for revocation and reissuance exist. If one or more reasons do not exist, then the Agency shall not modify or revoke and reissue a final RAP, except at the owner's or operator's request. Reasons for modification or revocation and reissuance are the same as the reasons listed for RAP modifications in subsections (b)(1)(E) through (b)(1)(H) of this Section if the Agency determines that revocation and reissuance of the RAP is appropriate.

2) The Agency shall not reevaluate the suitability of the facility location at the time of RAP revocation and reissuance, unless new

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information or standards indicate that a threat to human health or the environment exists that was unknown when the RAP was issued.

BOARD NOTE: Derived from 40 CFR 270.180, added at 63 Fed. Reg. 65945 (Nov. 30, 1998).

- d) For what reasons may the Agency choose to terminate a final RAP, or deny a renewal application? The Agency may terminate a final RAP on its own initiative or deny a renewal application for the same reasons as those listed for RAP modifications in subsections (b)(1)(E) through (b)(1)(G) of this section if the Agency determines that termination of the RAP or denial of the RAP renewal application is appropriate.

BOARD NOTE: Derived from 40 CFR 270.185, added at 63 Fed. Reg. 65945 (Nov. 30, 1998).

- e) May the decision to approve or deny a modification, revocation and reissuance, or termination of a RAP be administratively appealed?

1) Any commenter on the modification, revocation and reissuance, or termination, or any person that participated in any hearing on these actions, may appeal the Agency's decision to approve a modification, revocation and reissuance, or termination, of a RAP, according to Section 703.303(f). Any person that did not file comments or did not participate in any public hearing on the modification, revocation and reissuance, or termination may petition for administrative review only of the changes from the draft to the final RAP decision.

2) Any commenter on the modification, revocation and reissuance, or termination, or any person that participated in any hearing on these actions, may appeal the Agency's decision to deny a request for modification, revocation and reissuance, or termination to the Board. Any person that did not file comments or which did not participate in any public hearing on the modification, revocation and reissuance, or termination may petition for administrative review only of the changes from the draft to the final RAP decision.

- 3) The procedure for appeals of RAPs is as follows:

A) The person appealing the decision shall send a petition to the Board pursuant to 35 Ill. Adm. Code 101 and 105. The petition must briefly set forth the relevant facts, state the defect or fault that serves as the basis for the appeal, and explain the basis for the petitioner's legal standing to pursue the appeal.

B) The Board has 120 days after receiving the petition to act on it.

C) If the Board does not take action on the petition within 120 days after receiving it, the appeal shall be considered denied.

BOARD NOTE: Corresponding 40 CFR 270.190(c)(2) and (c)(3), as added at 63 Fed. Reg. 65945 (Nov. 30, 1998) allow 60 days for administrative review, which is too short a time for the Board to

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publish the appropriate notices, conduct public hearings, and conduct its review. Rather, the Board has borrowed the 120 days allowed as adequate time for Board review of permit appeals provided in Section 40(a)(2) of the Act [415 ILCS 5/40(a)(2)].

- 4) This appeal is a prerequisite to seeking judicial review of the Agency action on the RAP.

BOARD NOTE: Derived from 40 CFR 270.190, added at 63 Fed. Reg. 65945 (Nov. 30, 1998). The corresponding federal provisions provide for informal appeal of an Agency RAP decision. There is no comparable informal procedure under Sections 39 and 40 of the Act [415 ILCS 5/39 and 40].

- f) When will a RAP expire? RAPs must be issued for a fixed term, not to exceed 10 years, although they may be renewed upon approval by the Agency in fixed increments of no more than ten years. In addition, the Agency shall review any RAP for hazardous waste land disposal five years after the date of issuance of reissuance and the owner or operator or the Agency shall follow the requirements for modifying the RAP as necessary to assure that the owner or operator continues to comply with currently applicable requirements in the Act and RCRA sections 3004 and 3005.

BOARD NOTE: Derived from 40 CFR 270.195, added at 63 Fed. Reg. 65945 (Nov. 30, 1998).

- g) How may an owner or operator renew a RAP that is expiring? If an owner or operator wishes to renew an expiring RAP, the owner or operator shall follow the process for application for and issuance of RAPs in this Subpart H.

BOARD NOTE: Derived from 40 CFR 270.200, added at 63 Fed. Reg. 65945 (Nov. 30, 1998).

- h) What happens if the owner or operator has applied correctly for a RAP renewal but has not received approval by the time its old RAP expires? If the owner or operator has submitted a timely and complete application for a RAP renewal, but the Agency, through no fault of the owner or operator, has not issued a new RAP with an effective date on or before the expiration date of the previous RAP, the previous RAP conditions continue in force until the effective date of the new RAP or RAP denial.

BOARD NOTE: Derived from 40 CFR 270.205, added at 63 Fed. Reg. 65945 (Nov. 30, 1998).

(Source: Added at 23 Ill. Reg. 93-81, effective JUL 26 1999)

Section 703.305 Operating Under a RAP

- a) What records must an owner or operator maintain concerning its RAP? An owner or operator is required to keep records of the following:

1) All data used to complete RAP applications and any supplemental information that an owner or operator submits for a period of at

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- least three years from the date the application is signed, and
 2) Any operating or other records the Agency requires an owner or operator to maintain as a condition of the RAP.

BOARD NOTE: Derived from 40 CFR 270.210, added at 63 Fed. Reg. 65945 (Nov. 30, 1998).

How are time periods in the requirements in this Subpart H and the RAP computed?

- 1) Any time period scheduled to begin on the occurrence of an act or event must begin on the day after the act or event. (For example, if a RAP specifies that the owner or operator shall close a staging pile within 180 days after the operating term for that staging pile expires, and the operating term expires on June 1, then June 2 counts as day one of the 180 days, and the owner or operator would have to complete closure by November 28.)
- 2) Any time period scheduled to begin before the occurrence of an act or event must be computed so that the period ends on the day before the act or event. (For example, if an owner or operator is transferring ownership or operational control of its site, and the owner or operator wishes to transfer its RAP, the new owner or operator shall submit a revised RAP application no later than 90 days before the scheduled change. Therefore, if an owner or operator plans to change ownership on January 1, the new owner or operator shall submit the revised RAP application no later than October 3, so that the 90th day would be December 31.)

- 3) If the final day of any time period falls on a weekend or legal holiday, the time period must be extended to the next working day. (For example, if an owner or operator wishes to appeal the Agency's decision to modify its RAP, then an owner or operator shall petition the Board within 35 days after the Agency has issued the final RAP decision. If the 35th day falls on Sunday, then the owner or operator may submit its appeal by the Monday after. If the 35th day falls on July 4th, then the owner or operator may submit its appeal by July 5th.)

- 4) Whenever a party or interested person has the right to or is required to act within a prescribed period after the service of notice or other paper upon him by mail, four days may not be added to the prescribed term. (For example, if an owner or operator wishes to appeal the Agency's decision to modify its RAP, then the owner or operator shall petition the Board within 35 days after the Agency has issued the final RAP decision.)

BOARD NOTE: Derived from 40 CFR 270.215, added at 63 Fed. Reg. 65945 (Nov. 30, 1998). Federal subsections (c) and (d) provide that a RAP is effective 30 days after the Agency notice of approval. The Board has used 35 days to be consistent with the 35 days within which a permit appeal must be filed under Section 40(a)(1) of the Act (45 ICS 5/40(a)(1)). Further, federal subsection (d) provides three days for completion of service by mail. The addition of four days (see procedural rule 35 Ill. Adm. Code 101.144(c)) to be consistent with 40

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CFR 270.215(d) would exceed the 35 days allowed under Section 40(a)(1) of the Act (45 ICS 5/40(a)(1)).

c) How may an owner or operator transfer its RAP to a new owner or operator?

- 1) If an owner or operator wishes to transfer its RAP to a new owner or operator, the owner or operator shall follow the requirements specified in this RAP for RAP modification to identify the new owner or operator, and incorporate any other necessary requirements. These modifications do not constitute "significant" modifications for purposes of Section 703.304(a). The new owner or operator shall submit a revised RAP application no later than 90 days before the scheduled change along with a written agreement containing a specific date for transfer of RAP responsibility between the owner or operator and the new permittees.

- 2) When a transfer of ownership or operational control occurs, the old owner or operator shall comply with the applicable requirements in 35 Ill. Adm. Code 724-Subpart H (Financial Requirements) until the new owner or operator has demonstrated that it is complying with the requirements in that Subpart. The new owner or operator shall demonstrate compliance with 35 Ill. Adm. Code 724-Subpart H within six months after the date of the change in ownership or operational control of the facility or remediation waste management site. When the new owner or operator demonstrates compliance with 35 Ill. Adm. Code 724-Subpart H to the Agency, the Agency shall notify the former owner or operator that it no longer needs to comply with 35 Ill. Adm. Code 724-Subpart H as of the date of demonstration.

BOARD NOTE: Derived from 40 CFR 270.220, added at 63 Fed. Reg. 65946 (Nov. 30, 1998).

- d) What must the Agency report about noncompliance with RAPs? The Agency shall report noncompliance with RAPs according to the provisions of 40 CFR 270.5, incorporated by reference in 35 Ill. Adm. Code 720.111.
- BOARD NOTE: Derived from 40 CFR 270.225, added at 63 Fed. Reg. 65946 (Nov. 30, 1998).

(Source: Added at 23 Ill. Reg. 93 81, effective Jul 26 1999)

Section 703.306 Obtaining a RAP for an Off-Site Location

May an owner or operator perform remediation waste management activities under a RAP at a location removed from the area where the remediation wastes originated?

- a) An owner or operator may request a RAP for remediation waste management activities at a location removed from the area where the remediation wastes originated if the owner or operator believes such a location would be more protective than the contaminated area or areas

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in close proximity.

b) If the Agency determines that an alternative location, removed from the area where the remediation waste originated, is more protective than managing remediation waste at the area of contamination or areas in close proximity, then the Agency shall approve a RAP for this alternative location.

c) An owner or operator shall request the RAP, and the Agency shall approve or deny the RAP, according to the procedures and requirements in this Subpart H.

d) A RAP for an alternative location must also meet the following requirements, which the Agency shall include in the RAP for such locations:

- 1) The RAP for the alternative location must be issued to the person responsible for the cleanup from which the remediation wastes originated;
- 2) The RAP is subject to the expanded public participation requirements in Sections 703.191, 703.192, and 703.193;
- 3) The RAP is subject to the public notice requirements in 35 Ill. Adm. Code 705.163;
- 4) The site permitted in the RAP may not be located within 61 meters or 200 feet of a fault that has had displacement in the Holocene time (the owner or operator shall demonstrate compliance with this standard through the requirements in Section 703.183(k)). (See the definitions of terms in 35 Ill. Adm. Code 724.118(a)).

BOARD NOTE: Sites in Illinois are assumed to be in compliance with the requirement of subsection (d)(4) of this Section, since they are not listed in 40 CFR 265, Appendix VI.

e) These alternative locations are remediation waste management sites, and retain the following benefits of remediation waste management sites:

- 1) Exclusion from facility-wide corrective action under 35 Ill. Adm. Code 724.201; and
- 2) Application of 35 Ill. Adm. Code 724.101(i) in lieu of 35 Ill. Adm. Code 724.201(b), C, and D.

BOARD NOTE: Derived from 40 CFR 270.230, added at 63 Fed. Reg. 65946 (Nov. 30, 1998).

(Source: Added at 23 Ill. Reg. **93 81** -, effective July 26, 1999.)

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Section 703.APPENDIX A Classification of Permit Modifications

Class Modifications

A. General Permit Provisions

1 1. Administrative and informational changes.

1 2. Correction of typographical errors.

1 3. Equipment replacement or upgrading with functionally equivalent components (e.g., pipes, valves, pumps, conveyors, controls).

4. Changes in the frequency of or procedures for monitoring, reporting, sampling or maintenance activities by the permittee:

1 a. To provide for more frequent monitoring, reporting, or maintenance.

2 b. Other changes.

5. Schedule of compliance:

1* a. Changes in interim compliance dates, with prior approval of the Agency.

3 b. Extension of final compliance date.

1* 6. Changes in expiration date of permit to allow earlier permit termination, with prior approval of the Agency.

1* 7. Changes in ownership or operational control of a facility, provided the procedures of Section 703.260(b) are followed.

B. General Facility Standards

1. Changes to waste sampling or analysis methods:

1 a. To conform with Agency guidance or Board regulations.

1* b. To incorporate changes associated with F039 (multi-source leachate) sampling or analysis methods.

1* c. To incorporate changes associated with underlying hazardous constituents in ignitable or corrosive wastes.

2 d. Other changes.

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2. Changes to analytical quality assurance/control plan:
 - 1 a. To conform with agency guidance or regulations.
 - 2 b. Other changes.
- 1 3. Changes in procedures for maintaining the operating record.
- 2 4. Changes in frequency or content of inspection schedules.
5. Changes in the training plan:
 - 2 a. That affect the type or decrease the amount of training given to employees.
 - 1 b. Other changes.
6. Contingency plan:
 - 2 a. Changes in emergency procedures (i.e., spill or release response procedures).
 - 1 b. Replacement with functionally equivalent equipment, upgrade or relocate emergency equipment listed.
 - 2 c. Removal of equipment from emergency equipment list.
 - 1 d. Changes in name, address or phone number of coordinators or other persons or agencies identified in the plan.

Note: When a permit modification (such as introduction of a new unit) requires a change in facility plans or other general facility standards, that change must be reviewed under the same procedures as the permit modification.
7. CQA plan:
 - a. Changes that the CQA officer certifies in the operating record will provide equivalent or better certainty that the unit components meet the design specifications.
 - b. Other changes.

Note: When a permit modification (such as introduction of a new unit) requires a change in facility plans or other general facility standards, that change shall be reviewed under the same procedures as a permit modification.

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- C. Groundwater Protection
 1. Changes to wells:
 - 2 a. Changes in the number, location, depth or design of upgrade or downgradient wells of permitted groundwater monitoring system.
 - 1 b. Replacement of an existing well that has been damaged or rendered inoperable, without change to location, design, or depth of the well.
 - 1* 2. Changes in groundwater sampling or analysis procedures or monitoring schedule, with prior approval of the Agency.
 - 1* 3. Changes in statistical procedure for determining whether a statistically significant change in groundwater quality between upgradient and downgradient wells has occurred, with prior approval of the Agency.
 - 2* 4. Changes in point of compliance.
 5. Changes in indicator parameters, hazardous constituents or concentration limits (including ACIs (Alternate Concentration Limits)):
 - 3 a. As specified in the groundwater protection standard.
 - 2 b. As specified in the detection monitoring program.
 - 2 6. Changes to a detection monitoring program as required by 35 Ill. Adm. Code 724.198(j), unless otherwise specified in this Appendix.
 7. Compliance monitoring program:
 - 3 a. Addition of compliance monitoring program as required by 35 Ill. Adm. Code 724.198(h)(4) and 724.199.
 - 2 b. Changes to a compliance monitoring program as required by 35 Ill. Adm. Code 724.199(k), unless otherwise specified in this Appendix.
 8. Corrective action program:
 - 3 a. Addition of a corrective action program as required by 35 Ill. Adm. Code 724.199(i)(2) and 724.200.
 - 2 b. Changes to a corrective action program as required by 35 Ill. Adm. Code 724.200(h), unless otherwise specified in this Appendix.
 - D. Closure

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1. Changes to the closure plan:
 - 1* a. Changes in estimate of maximum extent of operations or maximum inventory of waste on-site at any time during the active life of the facility, with prior approval of the Agency.
 - 1* b. Changes in the closure schedule for any unit, changes in the final closure schedule for the facility or extension of the closure period, with prior approval of the Agency.
 - 1* c. Changes in the expected year of final closure, where other permit conditions are not changed, with prior approval of the Agency.
 - 1* d. Changes in procedures for decontamination of facility equipment or structures, with prior approval of the Agency.
 - 2 e. Changes in approved closure plan resulting from unexpected events occurring during partial or final closure, unless otherwise specified in this Appendix.
 - 2 f. Extension of the closure period to allow a landfill, surface impoundment, or land treatment unit to receive non-hazardous wastes after final receipt of hazardous wastes under 35 Ill. Adm. Code 724.213(d) or (e).
 3. 2. Creation of a new landfill unit as part of closure.
 3. Addition of the following new units to be used temporarily for closure activities:
 - 3 a. Surface impoundments.
 - 3 b. Incinerators.
 - 3 c. Waste piles that do not comply with 35 Ill. Adm. Code 724.350(c).
 - 2 d. Waste piles that comply with 35 Ill. Adm. code 724.350(c).
 - 2 e. Tanks or containers (other than specified below).
 - 1* f. Tanks used for neutralization, dewatering, phase separation or component separation, with prior approval of the Agency.
 - 2 g. Staging piles.
 - E. Post-Closure

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1. Changes in name, address, or phone number of contact in post-closure plan.
2. Extension of post-closure care period.
3. Reduction in the post-closure care period.
1. 4. Changes to the expected year of final closure, where other permit conditions are not changed.
2. 5. Changes in post-closure plan necessitated by events occurring during the active life of the facility, including partial and final closure.
- F. Containers
 1. Modification or addition of container units:
 - 3 a. Resulting in greater than 25 percent increase in the facility's container storage capacity, except as provided in F(1)(c) and F(4)(a).
 - 2 b. Resulting in up to 25 percent increase in the facility's container storage capacity, except as provided in F(1)(c) and F(4)(a).
 - 1 c. Or treatment processes necessary to treat wastes that are restricted from land disposal to meet some or all of the applicable treatment standards or to treat wastes to satisfy (in whole or in part) the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8(a)(2)(ii), incorporated by reference in 35 Ill. Adm. Code 728.108, with prior approval of the Agency. This modification may also involve the addition of new waste codes or narrative description of wastes. It is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).
 2. Modification of container units without an increased capacity or alteration of the system:
 - 2 a. Modification of a container unit without increasing the capacity of the unit.
 - 1 b. Addition of a roof to a container unit without alteration of the containment system.
 3. Storage of different wastes in containers, except as provided in F(4):
 - 3 a. That require additional or different management practices from those authorized in the permit.

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- 2 b. That do not require additional or different management practices from those authorized in the permit.

NOTE: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

4. Storage or treatment of different wastes in containers:

- 2 a. That require addition of units or change in treatment process or management standards, provided that the wastes are restricted from land disposal and are to be treated to meet some or all of the applicable treatment standards, or are to be treated to satisfy (in whole or in part) the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8(a)(2)(ii), incorporated by reference in 35 Ill. Adm. Code 728.108. It is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

- 1* b. That do not require the addition of units or a change in the treatment process or management standards, and provided that the units have previously received wastes of the same type (e.g., incinerator scrubber water). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

G. Tanks

1. 1. a. Modification or addition of tank units resulting in greater than 25 percent increase in the facility's tank capacity, except as provided in paragraphs G(1)(c), G(1)(d) and G(1)(e).

- 2 b. Modification or addition of tank units resulting in up to 25 percent increase in the facility's tank capacity, except as provided in paragraphs G(1)(d) and G(1)(e).

- 2 c. Addition of a new tank that will operate for more than 90 days using any of the following physical or chemical treatment technologies: neutralization, dewatering, phase separation, or component separation.

- 1* d. After prior approval of the Agency, addition of a new tank that will operate for up to 90 days using any of the following physical or chemical treatment technologies: neutralization, dewatering, phase separation, or component separation.

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- 1* e. Modification or addition of tank units or treatment processes that are necessary to treat wastes that are restricted from land disposal to meet some or all of the applicable treatment standards or to treat wastes to satisfy (in whole or in part) the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8(a)(2)(ii), incorporated by reference in 35 Ill. Adm. Code 728.108, with prior approval of the Agency. This modification may also involve the addition of new waste codes. It is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

- 2 2. Modification of a tank unit or secondary containment system without increasing the capacity of the unit.

- 1 3. Replacement of a tank with a tank that meets the same design standards and has a capacity within ± 10 percent of the replaced tank provided:

a. The capacity difference is no more than 1500 gallons,

b. The facility's permitted tank capacity is not increased, and

c. The replacement tank meets the same conditions in the permit.

- 2 4. Modification of a tank management practice.

5. Management of different wastes in tanks:

- 3 a. That require additional or different management practices, tank design, different fire protection specifications or significantly different tank treatment process from that authorized in the permit, except as provided in paragraph G(5)(c).

- 2 b. That do not require additional or different management practices or tank design, different fire protection specification, or significantly different tank treatment process than authorized in the permit, except as provided in paragraph G(5)(d).

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

- 1* c. That require addition of units or change in treatment processes or management standards, provided that the wastes are restricted from land disposal and are to be treated to meet some or all of the applicable treatment standards, or that are to be treated to satisfy (in whole or in part) the standard of "use of practically available technology that yields the greatest environmental benefit" incorporated by reference in 35 Ill. Adm. Code 728.108. The modification is not

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applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

- 1 d. That do not require the addition of units or a change in the treatment process or management standards, and provided that the units have previously received wastes of the same type (e.g., incinerator scrubber water). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

H. Surface Impoundments

- 3 1. Modification or addition of surface impoundment units that result in increasing the facility's surface impoundment storage or treatment capacity.
- 3 2. Replacement of a surface impoundment unit.
- 3 3. Modification of a surface impoundment unit without increasing the facility's surface impoundment storage or treatment capacity and without modifying the unit's liner, leak detection system, or leachate collection system.

- 2 4. Modification of a surface impoundment management practice.

5. Treatment, storage, or disposal of different wastes in surface impoundments:

- 3 a. That require additional or different management practices or different design of the liner or leak detection system than authorized in the permit.

- 2 b. That do not require additional or different management practices or different design of the liner or leak detection system than authorized in the permit.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

- 1 c. That are wastes restricted from land disposal that meet the applicable treatment standards or that are treated to satisfy the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8(a)(2)(ii), incorporated by reference in 35 Ill. Adm. Code 728.108, and provided that the unit meets the minimum technological

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requirements stated in 40 CFR 268.5(h)(2), incorporated by reference in 35 Ill. Adm. Code 728.105. This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

- 1 d. That are residues from wastewater treatment or incineration, provided the disposal occurs in a unit that meets the minimum technological requirements stated in 40 CFR 268.5(h)(2), incorporated by reference in 35 Ill. Adm. Code 728.105, and provided further that the surface impoundment has previously received wastes of the same type (for example, incinerator scrubber water). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

- 1* 6. Modifications of unconstructed units to comply with 35 Ill. Adm. Code 724.321(c), 724.322, 724.323, and 724.326(g).

Changes in response action plan:

- 3 a. Increase in action leakage rate.
- 3 b. Change in a specific response reducing its frequency or effectiveness.
- 2 c. Other changes.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

- I. Enclosed Waste Piles. For all waste piles, except those complying with 3 Ill. Adm. Code 724.350(c), modifications are treated the same as for a landfill. The following modifications are applicable only to waste piles complying with 35 Ill. Adm. Code 724.350(c).

1. Modification or addition of waste pile units:

- 3 a. Resulting in greater than 25% increase in the facility's waste pile storage or treatment capacity.

- 2 b. Resulting in up to 25% increase in the facility's waste pile storage or treatment capacity.

- 2 2. Modification of waste pile unit without increasing the capacity of the unit.

- 1 3. Replacement of a waste pile unit with another waste pile unit of the same design and capacity and meeting all waste pile conditions in the permit.

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- 2 4. Modification of a waste pile management practice.
5. Storage or treatment of different wastes in waste piles:
- 3 a. That require additional or different management practices or different design of the unit.
- 2 b. That do not require additional or different management practices or different design of the unit.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

- 2 6. Conversion of an enclosed waste pile to a containment building unit.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

J. Landfills and Unenclosed Waste Piles

- 3 1. Modification or addition of landfill units that result in increasing the facility's disposal capacity.
- 3 2. Replacement of a landfill.
- 3 3. Addition or modification of a liner, leachate collection system, leachate detection system, runoff control, or final cover system.
- 2 4. Modification of a landfill unit without changing a liner, leachate collection system, leachate detection system, runoff control, or final cover system.
- 2 5. Modification of a landfill management practice.
6. Landfill different wastes:

- 3 a. That require additional or different management practices, different design of the liner, leachate collection system, or leachate detection system.
- 2 b. That do not require additional or different management practices, different design of the liner, leachate collection system, or leachate detection system.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

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- 1 c. That are wastes restricted from land disposal that meet the applicable treatment standards or that are treated to satisfy the standard of "use of practically available technology that yields the greatest environmental benefit" contained in 40 CFR 268.8(a)(2)(ii), incorporated by reference in 35 Ill. Adm. Code 728.108, and provided that the landfill unit meets the minimum technological requirements stated in 40 CFR 268.5(h)(2), incorporated by reference in 35 Ill. Adm. Code 728.105. This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

- 1 d. That are residues from wastewater treatment or incineration, provided the disposal occurs in a landfill unit that meets the minimum technological requirements stated in 40 CFR 268.5(h)(2), incorporated by reference in 35 Ill. Adm. Code 728.105, and provided further that the landfill has previously received wastes of the same type (for example, incinerator ash). This modification is not applicable to dioxin-containing wastes (F020, F021, F022, F023, F026, F027 and F028).

- 1* 7. Modification of unconstructed units to comply with 35 Ill. Adm. Code 724.351(c), 724.352, 724.353, 724.354(c), 724.401(c), 724.402, 724.403(c), and 724.404.

8. Changes in response action plan:

- 3 a. Increase in action leakage rate.
- 3 b. Change in a specific response reducing its frequency or effectiveness.
- 2 c. Other changes.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

K. Land Treatment

- 3 1. Lateral expansion of or other modification of a land treatment unit to increase area extent.
- 2 2. Modification of runoff control system.
- 3 3. Modify runoff ~~run-off~~ control system.
- 2 4. Other modification of land treatment unit component specifications or standards required in permit.

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5. Management of different wastes in land treatment units:
 - 3 a. That require a change in permit operating conditions or unit design specifications.
 - 2 b. That do not require a change in permit operating conditions or unit design specifications.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.
6. Modification of a land treatment unit management practice to:
 - 3 a. Increase rate or change method of waste application.
 - 1 b. Decrease rate of waste application.
- 2 7. Modification of a land treatment unit management practice to change measure of pH or moisture content or to enhance microbial or chemical reactions.
- 3 8. Modification of a land treatment unit management practice to grow food chain crops, to add to or replace existing permitted crops with different food chain crops or to modify operating plans for distribution of animal feeds resulting from such crops.
- 3 9. Modification of operating practice due to detection of releases from the land treatment unit pursuant to 35 Ill. Adm. Code 724.378(g)(2).
- 3 10. Changes in the unsaturated zone monitoring system that result ~~resulting~~ in a change to the location, depth, or number of sampling points or which replace unsaturated zone monitoring devices or components of devices with devices or components that have specifications different from permit requirements.
- 2 11. Changes in the unsaturated zone monitoring system that do not result in a change to the location, depth, or number of sampling points, or which ~~that~~ replace unsaturated zone monitoring devices or components of devices with devices or components having specifications different from permit requirements.
- 2 12. Changes in background values for hazardous constituents in soil and soil-pore liquid.
- 2 13. Changes in sampling, analysis, or statistical procedure.
- 2 14. Changes in land treatment demonstration program prior to or during the demonstration.

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- 1* 15. Changes in any condition specified in the permit for a land treatment unit to reflect results of the land treatment demonstration, provided performance standards are met, and the Agency's prior approval has been received.
- 1* 16. Changes to allow a second land treatment demonstration to be conducted when the results of the first demonstration have not shown the conditions under which the wastes can be treated completely, provided the conditions for the second demonstration are substantially the same as the conditions for the first demonstration and have received the prior approval of the Agency.
- 3 17. Changes to allow a second land treatment demonstration to be conducted when the results of the first demonstration have not shown the conditions under which the wastes can be treated completely, where the conditions for the second demonstration are not substantially the same as the conditions for the first demonstration.
- 2 18. Changes in vegetative cover requirements for closure.
- L. Incinerators, Boilers and Industrial Furnaces
 - 3 1. Changes to increase by more than 25 percent any of the following limits authorized in the permit: A thermal feed rate limit, a feedstream feed rate limit, a chlorine/chloride feed rate limit, a metal feed rate limit, or an ash feed rate limit. The Agency shall require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means.
 - 2 2. Changes to increase by up to 25 percent any of the following limits authorized in the permit: A thermal feed rate limit, a feedstream feed rate limit, a chlorine/chloride feed rate limit, a metal feed rate limit, or an ash feed rate limit. The Agency shall require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means.
 - 3 3. Modification of an incinerator, boiler, or industrial furnace unit by changing the internal size or geometry of the primary or secondary combustion units, by adding a primary or secondary combustion unit, by substantially changing the design of any component used to remove HCl/Cl₂, metals, or particulates from the combustion gases, or by changing other features of the incinerator, boiler, or industrial furnace that could affect its capability to meet the regulatory performance standards. The Agency shall require a new trial burn to substantiate compliance with the regulatory performance standards, unless this demonstration can be made through other means.

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- 2

4.

Modification of an incinerator, boiler, or industrial furnace unit in a manner that will not likely affect the capability of the unit to meet the regulatory performance standards but which will change the operating conditions or monitoring requirements specified in the permit. The Agency may require a new trial burn to demonstrate compliance with the regulatory performance standards.

5.

Operating requirements:

3

a.

Modification of the limits specified in the permit for minimum combustion gas temperature, minimum or maximum combustion gas residence time, oxygen concentration in the secondary combustion chamber, flue gas carbon monoxide or hydrocarbon concentration, maximum temperature at the inlet to the PM emission control system, or operating parameters for the air pollution control system. The Agency shall require a new trial burn to substantiate compliance with the regulatory performance standards unless this demonstration can be made through other means.

3

b.

Modification of any stack gas emission limits specified in the permit, or modification of any conditions in the permit concerning emergency shutdown or automatic waste feed cutoff procedures or controls.

2

c.

Modification of any other operating condition or any inspection or recordkeeping requirement specified in the permit.

6.

Burning different wastes:

3

a.

If the waste contains a PORC that is more difficult to burn than authorized by the permit or if burning of the waste requires compliance with different regulatory performance standards than specified in the permit, the Agency shall require a new trial burn to substantiate compliance with the regulatory performance standards, unless this demonstration can be made through other means.

2

b.

If the waste does not contain a PORC that is more difficult to burn than authorized by the permit and if burning of the waste does not require compliance with different regulatory performance standards than specified in the permit.

Note: See Section 703.280(g) for modification procedures to be used for the management of newly listed or identified wastes.

7.

Shakedown and trial burn:

2

4.

Modification of a containment building management practice.

2

a.

Modification of the trial burn plan or any of the permit conditions applicable during the shakedown period for determining operational readiness after construction, the trial burn period or the period immediately following the trial burn.

1*

b.

Authorization of up to an additional 720 hours of waste burning during the shakedown period for determining operational readiness after construction, with the prior approval of the Agency.

1*

c.

Changes in the operating requirements set in the permit for conducting a trial burn, provided the change is minor and has received the prior approval of the Agency.

1*

d.

Changes in the ranges of the operating requirements set in the permit to reflect the results of the trial burn, provided the change is minor and has received the prior approval of the Agency.

1

8.

Substitution of an alternate type of non-hazardous nonhazardous waste fuel that is not specified in the permit.

1*

9.

Technology changes needed to meet standards under federal 40 CFR 63 (Subpart EEE--National Emission Standards for Hazardous Air Pollutants From Hazardous Waste Combustors), provided the procedures of Section 35 of the Administrative Code 703.280(j) of this Section are followed.

M.

Containment Buildings.

1.

Modification or addition of containment building units:

3

a.

Resulting in greater than 25 percent increase in the facility's containment building storage or treatment capacity.

2

b.

Resulting in up to 25 percent increase in the facility's containment building storage or treatment capacity.

2

2.

Modification of a containment building unit or secondary containment system without increasing the capacity of the unit.

3.

Replacement of a containment building with a containment building that meets the same design standards provided:

1

a.

The unit capacity is not increased.

1

b.

The replacement containment building meets the same conditions in the permit.

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5. Storage or treatment of different wastes in containment buildings:
- 3 a. That require additional or different management practices.
- 2 b. That do not require additional or different management practices
- 2 N. Corrective Action.
- 3 1. Approval of a corrective action management unit pursuant to 35 Ill. Adm. Code 724.652.
- 2 2. Approval of a temporary unit or time extension pursuant to 35 Ill. Adm. Code 724.653.
- 2 3. Approval of a staging pile or staging pile operating term extension pursuant to 35 Ill. Adm. Code 724.654.

Note: * indicates modification requiring prior Agency approval.

BOARD NOTE: Derived from 40 CFR 270.42, Appendix I (1998) (1997), as amended at 63 Fed. Reg. 65941 39829 (Nov. 30, 1998 June-197-1998).

(Source: Amended at 23 Ill. Reg. **9381**, effective Jul. 26, 1999)

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- 1) Heading of the Part: Standards For Owners And Operators Of Hazardous Waste Treatment, Storage, And Disposal Facilities
- 2) Code citation: 35 Ill. Adm. Code 724
- 3) Section Numbers:

724.101	<u>Proposed Action:</u>
724.173	Amended
724.190	Amended
724.201	Amended
724.210	Amended
724.212	Amended
724.218	Amended
724.240	Amended
724.652	Amended
724.653	Amended
724.654	Added
- 4) Statutory authority: 415 ILCS 5/7.2, 22.4 and 27.
- 5) Effective date of amendments: July 26, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference?

No. Although the existing text of Part 724 includes incorporations by reference, the present amendments do not affect those incorporations.
- 8) A copy of the adopted amendments, including any material incorporated by reference, is on file in the Board's principal office and is available for public inspection.
- 9) Notice of proposal published in Illinois Register:

April 23, 1999, 23 Ill. Reg. 4993
- 10) Has JCRR issued a Statement of Objections to these amendments? No.

Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCRR.
- 11) Differences between proposal and final version:

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Section Revised	Sources(s) of Revision(s)	Revision(s)
724. table of contents	Board	Added "in R99-15"
724.101(c)	JCAR	Changed "U.S.C." to "USC"
724.101(g)(8)(B)	JCAR	Changed "724.Subparts C and D" to "Subparts C and D of this Part"
724.101(g)(8)(D)	JCAR, Agency	Changed to capitalized "State;" deleted "adequately"
724.101(j)(2)	JCAR	Changed "which" to "that"
724.101(j)(7)	JCAR	Changed "demonstration" to "requirements"
724.101(j)(10)	JCAR	Added a comma after the word "from" to offset parenthetical; added "occurs;" changed "which" to "that"
724.173(b)(15)	JCAR	Removed ending conjunction "and"
724.173(b)(16)	JCAR	Changed ending punctuation to a semicolon; added ending conjunction "and"
724.190(b)(1)	JCAR	Deleted comma after ending conjunction "or"
724.190(b)(2)(C)	Board	Corrected "run-on" to "runon;" corrected "run-off" to "runoff"
724.190(b)(2)(F)	JCAR	Changed ending punctuation to a period; deleted ending conjunction "and"
724.190(b)(2)(G)	JCAR	Changed ending punctuation to a semicolon; added ending conjunction "and"

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724.190(b)(4)	JCAR	Changed ending punctuation to a semicolon; added ending conjunction "and"
724.190(c)	JCAR, Agency, Board	Added "following is true of the applicability of the;" changed "Board order or Agency permit establishing" to "enforceable document containing" as in the federal original; changed ending punctuation to a colon
724.190(e)	Agency, Board	Added "or other enforceable document;" added sentence in the federal original relating to "when the Agency . . . enforceable document;" removed sentence "No alternative requirements . . . facility permit;" removed explanatory Board note
724.190(f)	Board, Agency	Changed "the Board will . . . other enforceable document alternative requirements" to "A permit or enforceable document can contain . . .;" deleted "adequately"
724.201(a)	Agency	Changed "correction" to "corrective;" deleted "adequately"
724.201(c)	Agency	Deleted "adequately"
724.210(b)(2)	JCAR	Changed "these Sections" to "Sections 724.216 through 724.220"

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724.210(b)(4)	JCAR	Changed ending punctuation to a semicolon; added ending conjunction "and"
724.210(c)	JCAR	Changed "The Board will . . . alternative requirements that" to "A permit or enforceable document can contain . . ."; added language appearing in the federal original "with alternative requirements . . . enforceable document"
724.210(c)(2)	Agency	Deleted "adequately"
724.212(b)(1)	JCAR	Added ending conjunction "and"
724.212(b)(5)	Board	Corrected "run-on" to "runon;" corrected "run-off" to "runoff"
724.212(b)(6)	JCAR	Removed period after the word "closure;" added ending semicolon and conjunction "and"
724.212(b)(7)	JCAR	Changed ending punctuation to a semicolon; added ending conjunction "and"
724.212(b)(8)	Board, Agency	Changed to singular "a facility;" removed "by the Board or Agency;" corrected reference to "724.210(c);" changed "Board order or Agency permit establishing" to "enforceable document containing" as in the federal original
724.212(c)(2)(d)	JCAR, Agency, Board	Changed to singular "Section;" changed "Board or Agency to establish" to "enforceable document containing" as in the federal original

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724.212(c)(3)	JCAR	"establishment of" Changed to singular "Section"
724.212(d)(2)(A)	JCAR	Changed ending punctuation to a semicolon; used lower case "or;" deleted ending comma after the conjunction
724.212(d)(3)	JCAR, Board	Removed unnecessary comma after the word "ordered"
724.218(a)	JCAR	Changed to singular "Section"
724.218(b)(1)	JCAR	Changed ending punctuation to a period
724.218(b)(4)	Board, Agency	Changed "the Board . . . alternative requirements" to "alternative requirements are established;" corrected reference to "724.210(c);" changed "Board order or Agency permit establishing" to "enforceable document containing" as in the federal original
724.218(d)(2)(C)	JCAR	Changed "which" to "that"
724.218(d)(2)(D)	JCAR	Changed to singular "Section;" changed "Board or Agency to establish" to "establishment of"
724.218(d)(3)	JCAR	Changed to singular "Section"
724.218(d)(4)	JCAR	Added a comma to separate the final element of a series

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724.240(a)	JCAR	Added a comma to separate the final element of a series
724.240(b)(2)	JCAR	Changed "these Sections" to "Sections 724.244 through 724.245"
724.240(c)	JCAR	Changed to lower case "federal"
724.240(d)	JCAR, Board, Agency	Changed "the Board will . . . other enforceable document alternative requirements" to "A permit or enforceable document can contain . . ." changed "Subpart H" to "this Subpart H;" added "or Agency"
724.240(d)(1)	JCAR	Added "or Agency;" changed "Section 724.190(f)" or "Section 724.210(d)" to "Section 724.190(f) or 724.210(d)"
724.240(d)(2)	JCAR	Added "or Agency;" changed "Subpart H" to "this Subpart H"
724.240(d)(2)	Agency	Deleted "adequately"
724.652(a)	JCAR	Changed "section" lowered-cased
724.652(e)(4)(A)(ii)	Agency	Deleted proposed addition of "adequately"
724.652(e)(4)(C)	JCAR	Corrected "this subsection" to "this subsection (c)"
724.652(e)(4)(D)	JCAR	Deleted unnecessary comma after the word "monitoring;" deleted "adequately"

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724.653(a)	Agency	Deleted "adequately"
724.654(a)	JCAR, Agency	Changed "in accordance to" to "in accordance with"
724.654(c)(2)	JCAR, Agency	Changed "certification . . . for" to "certification . . . of;" deleted "adequately"
724.654(c)(3)	Agency	Deleted "adequately"
724.654(d)(1)(B)	Board, Agency	Corrected "run-on/run-off" to "runon and runoff;" deleted "adequately"
724.654(d)(1)(C)	JCAR	Deleted "parenthetical (entitled . . .);" removed a comma after the word "limit" separating a two-element series; removed a comma after the word "order" separating a prepositional phrase; added a comma after the word "limit" to offset a parenthetical
724.654(d)(2)(F)	JCAR	Changed ending punctuation to a period
724.654(e)(1)	JCAR	Added a comma after the word "rendered" to separate the final element of a series
724.654(h)	JCAR, Agency	Corrected "redemption" to "remediation"
724.654(j)(2)	Agency	Deleted "adequately"
724.654(l)	Agency	Corrected "a existing" to "an existing"

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- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR?

Section 22.4(a) of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

- 13) Will these amendments replace emergency amendments currently in effect? No

- 14) Are there any other amendments pending on this Part? No

- 15) Summary and purpose of amendments:

A more detailed description is contained in the Board's opinion and order of June 17, 1999 in docket R99-15, which opinion and order is available from the address below. Section 22.4 of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

This proceeding updates the Illinois RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by the United States Environmental Protection Agency (USEPA) that appeared in the Federal Register during a single update period. The docket and time period that is involved in this proceeding is the following:

R99-15 Federal RCRA Subtitle C amendments that occurred during the period July 1, 1998, through December 31, 1998.

The R99-15 docket amends rules in Parts 703, 720, 721, 724, 725, 726, 728, and 733. Prior to discussing the specific changes made to this Part, the Board will describe the docket as a whole, since amendments to various Parts may be inter-related. The following table briefly summarizes the federal actions in the update period:

63 Fed. Reg. 37780 USEPA withdrew segments of a May 6, 1998 (July 14, 1998) direct final rule that drew adverse comment.

63 Fed. Reg. 42109 USEPA adopted new waste listings and land (August 6, 1998) disposal restrictions (LDRs) for petroleum wastes, including certain exclusions from regulation as hazardous waste.

63 Fed. Reg. 42580 USEPA adopted corrections to the May 4, 1998, (August 10, 1998) organobromine production waste rules; the May 26, 1998, Phase IV LDRs; and the June 29,

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1998, organobromine waste technical amendments.

USEPA adopted technical amendments to the May 4, 1998, organobromine waste rules.

USEPA changed the effective dates and adopted emergency amendments to the LDRs applicable to several carbamate wastes and waste constituents.

USEPA issued an extension of the Phase IV LDR compliance deadline, until November 26, 1998, for certain limited metal-bearing wastes.

USEPA adopted LDR treatment standards applicable to spent pollinators from primary aluminum production.

USEPA changed the compliance deadline of the August 6, 1998 petroleum waste rules until December 8, 1998.

USEPA amended the treatment, storage, and disposal facility standards to allow states to use mechanisms other than permits to approve facility post-closure care plans and to allow the closure of certain units through the corrective action program.

USEPA issued a final decision not to list 14 waste solvents as hazardous waste.

USEPA adopted new remedial action plan (RAP) requirements applicable to the treatment, storage, or disposal of hazardous remediation wastes during cleanup actions.

USEPA adopted corrective and clarifying amendments to the May 11, 1995 (60 Fed. Reg. 25492) universal waste rule. The amendments correct aspects of the standards for spent lead-acid battery management and the definition of small quantity universal waste handler, and they clarify the export requirements for destination facilities that are universal waste handlers.

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The Board has already taken or does not need to take action based on five sets of these federal RCRA Subtitle C amendments. The Board dealt with the federal action of July 14, August 10 and 31, September 9, and October 9, 1998, in the prior consolidated R98-21/R99-2/R99-7 RCRA Subtitle C and underground injection control (UIC) update docket, adopted on December 17, 1998, and filed with the Secretary of State on January 19, 1999. (The Board made all but one of the federal amendments of August 6, 1998, in the consolidated R98-21/R99-2/R99-7 update docket, but must complete the one minor amendment in this rulemaking.) The Board will not amend the Illinois regulations in response to the federal action of November 19, 1998, where the USEPA determination not to list the wastes as hazardous did not result in an amendment of the federal regulations.

In addition to the federal actions that fall within the timeframes of this docket, the Board is including additional federal actions that occurred later. These additional actions directly impact one or more of the actions that USEPA took within the timeframes that are involved.

64 Fed. Reg. 6806
(February 11, 1999)

USEPA adopted amendments to the exclusions from the definition of hazardous waste that have the effect of deferring regulation of certain materials as hazardous waste until February 13, 2001. The wastes affected are landfill leachate and landfill gas condensate derived from previously-disposed petroleum refining wastes (USEPA hazardous waste codes K169 through K172, originally listed on August 6, 1998 (63 Fed. Reg. 42110)), effective December 17, 1998, in consolidated update docket R98-21/R99-2/R99-7, effective January 19, 1999).

The Board examined three federal actions that amended the Clean Water Act analytical methods, which are incorporated by reference in 35 Ill. Adm. Code 720.111. The Board updates the incorporation by reference.

63 Fed. Reg. 38756
(July 20, 1998)

USEPA published a correction to 40 C.F.R. 136.3(e) table, as published on July 1, 1997.

63 Fed. Reg. 44146
(August 18, 1998)

USEPA published a correction to 40 C.F.R. 136.3(e) table, as published on July 1, 1997.

63 Fed. Reg. 50387
(September 27, 1998)

USEPA adopted effluent discharge and wastewater pretreatment standards for the pharmaceutical manufacturing industry sector.

The Board dealt with the federal actions of July 20 and August 18, 1998,

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in the prior consolidated R98-21/R99-2/R99-7 RCRA Subtitle C and underground injection control (UIC) update docket, adopted on December 17, 1998, and filed with the Secretary of State on January 19, 1999. Thus, the Board is acting in this R99-15 docket on the following USEPA amendments:

63 Fed. Reg. 42109
(August 6, 1998)

USEPA adopted new waste listings and land disposal restrictions (LDRs) for petroleum wastes, including certain exclusions from regulation as hazardous waste.

USEPA changed the effective dates and adopted emergency amendments to the LDRs applicable to several carbamate wastes and waste constituents.

USEPA adopted effluent discharge and wastewater pretreatment standards for the pharmaceutical manufacturing industry sector.

USEPA adopted LDR treatment standards applicable to spent potliners from primary aluminum production.

USEPA amended the treatment, storage, and disposal facility standards to allow states to use mechanisms other than permits to approve facility post-closure care plans and to allow the closure of certain units through the corrective action program.

USEPA adopted new remedial action plan (RAP) requirements applicable to the treatment, storage, or disposal of hazardous remediation wastes during cleanup actions.

USEPA adopted corrective and clarifying amendments to the May 11, 1995 (60 Fed. Reg. 25492) universal waste rule. The amendments correct aspects of the standards for spent lead-acid battery management and the definition of small quantity universal waste handler, and they clarify the export requirements for destination facilities that are universal waste handlers.

63 Fed. Reg. 47409
(September 4, 1998)

USEPA changed the effective dates and adopted emergency amendments to the LDRs applicable to several carbamate wastes and waste constituents.

63 Fed. Reg. 50387
(September 21, 1998)

USEPA adopted effluent discharge and wastewater pretreatment standards for the pharmaceutical manufacturing industry sector.

63 Fed. Reg. 51253
(September 24, 1998)

USEPA adopted LDR treatment standards applicable to spent potliners from primary aluminum production.

63 Fed. Reg. 56709
(October 22, 1998)

USEPA amended the treatment, storage, and disposal facility standards to allow states to use mechanisms other than permits to approve facility post-closure care plans and to allow the closure of certain units through the corrective action program.

63 Fed. Reg. 65873
(November 30, 1998)

USEPA adopted new remedial action plan (RAP) requirements applicable to the treatment, storage, or disposal of hazardous remediation wastes during cleanup actions.

63 Fed. Reg. 71225
(December 24, 1998)

USEPA adopted corrective and clarifying amendments to the May 11, 1995 (60 Fed. Reg. 25492) universal waste rule. The amendments correct aspects of the standards for spent lead-acid battery management and the definition of small quantity universal waste handler, and they clarify the export requirements for destination facilities that are universal waste handlers.

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TITLE 35: ENVIRONMENTAL PROTECTION
 SUBTITLE G: WASTE DISPOSAL
 CHAPTER I: POLLUTION CONTROL BOARD
 SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 724

STANDARDS FOR OWNERS AND OPERATORS OF
 HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

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64 Fed. Reg. 6806
 (February 11, 1998)

USEPA adopted amendments to the exclusions from the definition of hazardous waste that have the effect of deferring regulation of certain materials as hazardous waste until February 13, 2001. The wastes affected are landfill leachate and landfill gas condensate derived from previously-disposed petroleum refining wastes (USEPA hazardous waste codes K169 through K172, originally listed on August 6, 1998 (63 Fed. Reg. 42110), effective February 6, 1999, and adopted by the Board on December 17, 1998, in consolidated update docket #98-21/R99-2/R99-7, effective January 19, 1999).

Specifically, the amendments to Part 724 implement segments of the federal October 22, 1998 amendments allowing the use of alternative mechanisms to approve facility post-closure care plans and to allow the closure of certain units through the corrective action program and the November 30, 1998 hazardous waste remediation waste amendments.

Section 22.4 of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

16) Information and questions regarding these adopted amendments shall be directed to:

Michael J. McCambridge
 Attorney
 Illinois Pollution Control Board
 100 W. Randolph 11-500
 Chicago, IL 60601
 312-814-6924

Request copies of the Board's opinion and order of June 17, 1999 in docket R99-15 from Patricia Jones, at 312-814-3620.

The full text of the adopted amendments begins on the next page:

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AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/22.4 and 27].

SOURCE: Adopted in R82-19, 53 PCB 131, at 7 Ill. Reg. 14059, effective October 12, 1983; amended in R84-9 at 9 Ill. Reg. 11964, effective July 24, 1985; amended in R85-22 at 10 Ill. Reg. 1136, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14119, effective August 12, 1986; amended in R86-28 at 11 Ill. Reg. 6138, effective March 24, 1987; amended in R86-28 at 11 Ill. Reg. 8684, effective April 21, 1987; amended in R86-46 at 11 Ill. Reg. 13577, effective August 4, 1987; amended in R87-5 at 11 Ill. Reg. 19397, effective November 12, 1987; amended in R87-39 at 12 Ill. Reg. 13135, effective July 29, 1988; amended in R88-16 at 13 Ill. Reg. 458, effective December 28, 1988; amended in R89-1 at 13 Ill. Reg. 18527, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14511, effective August 22, 1990; amended in R90-10 at 14 Ill. Reg. 16658, effective September 25, 1990; amended in R90-11 at 15 Ill. Reg. 9654, effective June 17, 1991; amended in R91-1 at 15 Ill. Reg. 14572, effective October 1, 1991; amended in R91-13 at 16 Ill. Reg. 9833, effective June 9, 1992; amended in R92-1 at 16 Ill. Reg. 17702, effective November 6, 1992; amended in R92-10 at 17 Ill. Reg. 5806, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20830, effective November 22, 1993; amended in R93-16 at 18 Ill. Reg. 6973, effective April 26, 1994; amended in R94-7 at 18 Ill. Reg. 12487, effective July 29, 1994; amended in R94-17 at 18 Ill. Reg. 17601, effective November 23, 1994; amended in R95-6 at 19 Ill. Reg. 9951, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11244, effective August 16, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 636, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7638, effective April 15, 1998; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 17972, effective September 28, 1998; amended in R98-21/R99-2/R99-7 at 23 Ill. Reg. 2186, effective January 19, 1999; amended in R99-15 at 23 Ill. Reg. 9497, effective July 26, 1999.

NOTE: In this Part, unless the context clearly indicates otherwise,

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superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets.

SUBPART A: GENERAL PROVISIONS

Section 724.101 Purpose, Scope, and Applicability

- a) The purpose of this Part is to establish minimum standards that define the acceptable management of hazardous waste.
- b) The standards in this Part apply to owners and operators of all facilities that treat, store, or dispose of hazardous waste, except as specifically provided otherwise in this Part or 35 Ill. Adm. Code 721.
- c) The requirements of this Part apply to a person disposing of hazardous waste by means of ocean disposal subject to a permit issued under the Marine Protection, Research and Sanctuaries Act (16 USC 1431-1434, 33 USC 1401) only to the extent they are included in a RCRA permit by rule granted to such a person under 35 Ill. Adm. Code 703.141. A "RCRA permit" is a permit required by Section 21(f) of the Environmental Protection Act and 35 Ill. Adm. Code 703.121.
- BOARD NOTE: This Part does apply to the treatment or storage of hazardous waste before it is loaded onto an ocean vessel for incineration or disposal at sea.
- d) The requirements of this Part apply to a person disposing of hazardous waste by means of underground injection subject to a permit issued by the Agency pursuant to Section 12(g) of the Environmental Protection Act only to the extent they are required by 35 Ill. Adm. Code 704.Subpart F.
- BOARD NOTE: This Part does apply to the above-ground treatment or storage of hazardous waste before it is injected underground.
- e) The requirements of this Part apply to the owner or operator of a POTW (publicly owned treatment works) that treats, stores, or disposes of hazardous waste only to the extent included in a RCRA permit by rule granted to such a person under 35 Ill. Adm. Code 703.141.
- f) This subsection corresponds with 40 CFR 264.1(f), which provides that the federal regulations do not apply to T/S/D activities in authorized states, except under limited, enumerated circumstances. This statement maintains structural consistency with USEPA rules.
- g) The requirements of this Part do not apply to:
 - 1) The owner or operator of a facility permitted by the Agency under Section 21 of the Environmental Protection Act to manage municipal or industrial solid waste, if the only hazardous waste the facility treats, stores, or disposes of is excluded from regulation under this Part by 35 Ill. Adm. Code 721.105.

BOARD NOTE: The owner or operator may be subject to 35 Ill. Adm. Code 807 and may have to have 6) The owner or operator of an elementary neutralization unit or a wastewater treatment unit, as defined in 35 Ill. Adm. Code 720.110, provided that if the owner or operator is diluting hazardous ignitable (D001) wastes (other

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than the D001 High TOC Subcategory defined in 35 Ill. Adm. Code 728.Table 1) or reactive (D003) waste to remove the characteristic before land disposal, the owner or operator must comply with the requirements set out in Section 724.117(b).

7) This subsection corresponds with 40 CFR 264.1(g)(7), reserved by USEPA. This statement maintains structural consistency with USEPA rules.

8) Immediate response:

A) Except as provided in subsection (g)(8)(B) of this Section, a person engaged in treatment or containment activities during immediate response to any of the following situations:

- i) A discharge of a hazardous waste;
- ii) An imminent and substantial threat of a discharge of hazardous waste;
- iii) A discharge of a material that becomes a hazardous waste when discharged; or
- iv) An immediate threat to human health, public safety, property or the environment from the known or suspected presence of military munitions, other explosive material, or an explosive device, as determined by an explosives or munitions emergency response specialist as defined in 35 Ill. Adm. Code 720.110.

B) An owner or operator of a facility otherwise regulated by this Part must comply with all applicable requirements of 724.Subparts C and D of this Part.

C) Any person that is covered by subsection (g)(8)(A) of this Section and that continues or initiates hazardous waste treatment or containment activities after the immediate response is over is subject to all applicable requirements of this Part and 35 Ill. Adm. Code 702, 703, and 705 for those activities.

D) In the case of an explosives or munitions emergency response, if a federal, State ~~state~~, or local official acting within the scope of his or her official responsibilities or an explosives or munitions emergency response specialist determines that immediate removal of the material or waste is necessary to adequately protect human health or the environment, that official or specialist may authorize the removal of the material or waste by transporters ~~that~~ who do not have USEPA identification numbers and without the preparation of a manifest. In the case of emergencies involving military munitions, the responding military emergency response specialist's organizational unit shall retain records for three years identifying the dates of the response, the responsible persons responding, the type and description of material

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addressed, and its disposition.

- 9) A transporter storing manifested shipments of hazardous waste in containers meeting the requirements of 35 Ill. Adm. Code 722.130 at a transfer facility for a period of 30 days or less.
- 10) The addition of absorbent materials to waste in a container (as defined in 35 Ill. Adm. Code 720) or the addition of waste to absorbent material in a container, provided these actions occur at the time waste is first placed in the container, and Sections 724.117(b), 724.271, and 724.272 are complied with.
- 11) A universal waste handler or universal waste transporter (as defined in 35 Ill. Adm. Code 720.110) that handles any of the wastes listed below is subject to regulation under 35 Ill. Adm. Code 733 when handling the following universal wastes:
 - A) Batteries, as described in 35 Ill. Adm. Code 733.102;
 - B) Pesticides, as described in 35 Ill. Adm. Code 733.103;
 - C) Thermosats, as described in 35 Ill. Adm. Code 733.104; and
 - D) Mercury-containing lamps, as described in 35 Ill. Adm. Code 733.107.

BOARD NOTE: Subsection (g)(11)(D) of this Section was added pursuant to Section 22.23a of the Act (415 ILCS 5/22.23a) (see P.A. 90-502, effective August 19, 1997).

- h) This Part applies to owners and operators of facilities that treat, store, or dispose of hazardous wastes referred to in 35 Ill. Adm. Code 728.
- i) 35 Ill. Adm. Code 726.505 identifies when the requirements of this Part apply to the storage of military munitions classified as solid waste under 35 Ill. Adm. Code 726.302. The treatment and disposal of hazardous waste military munitions are subject to the applicable permitting, procedural, and technical standards in 35 Ill. Adm. Code 702, 703, 705, 720 through 726, and 728.

- 1) The requirements of Subparts B, C, and D of this Part and Section 724.201 do not apply to remediation waste management sites. (However, some remediation waste management sites may be a part of a facility that is subject to a traditional RCRA permit because the facility is also treating, storing, or disposing of hazardous wastes that are not remediation wastes. In these cases, Subparts B, C, and D of this Part, and Section 724.201 do apply to the facility subject to the traditional RCRA permit.) Instead of the requirements of Subparts B, C, and D of this Part, owners or operators of remediation waste management sites shall comply with the following requirements:

- 1) The owner or operator shall obtain an EPA identification number by applying to USEPA using USEPA Form 8700-121.
- 2) The owner or operator shall obtain a detailed chemical and physical analysis of a representative sample of the hazardous remediation wastes to be managed at the site. At a minimum, the analysis must contain all of the information that must be known to treat, store, or dispose of the waste according to this Part and 35 Ill. Adm. Code 728, and the owner or operator shall keep

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- 3) the analysis accurate and up to date;

The owner or operator shall prevent people who are unaware of the danger from entering the site, and the owner or operator shall minimize the possibility for unauthorized people or livestock entering onto the active portion of the remediation waste management site, unless the owner or operator can demonstrate the following to the Agency:

- A) Physical contact with the waste, structures, or equipment within the active portion of the remediation waste management site will not injure people or livestock who may enter the active portion of the remediation waste management site; and

- B) Disturbance of the waste or equipment by people or livestock who enter onto the active portion of the remediation waste management site will not cause a violation of the requirements of this Part;

- 4) The owner or operator shall inspect the remediation waste management site for malfunctions, deterioration, operator errors, and discharge that may be causing or may lead to a release of hazardous waste constituents to the environment or a threat to human health. The owner or operator shall conduct these inspections often enough to identify problems in time to correct them before they harm human health or the environment, and the owner or operator shall remedy the problem before it leads to a human health or environmental hazard. Where a hazard is imminent or has already occurred, the owner or operator shall immediately take remedial action;

- 5) The owner or operator shall provide personnel with classroom or on-the-job training on how to perform their duties in a way that ensures the remediation waste management site complies with the requirements of this Part, and on how to respond effectively to emergencies;

- 6) The owner or operator shall take precautions to prevent accidental ignition or reaction of ignitable or reactive waste, and the owner or operator shall prevent threats to human health and the environmental from ignitable, reactive, and incompatible waste;

- 7) For remediation waste management sites subject to regulation under Subparts I through O and Subpart X of this Part, the owner or operator shall design, construct, operate, and maintain a unit within a 100-year floodplain to prevent washout of any hazardous waste by a 100-year flood, unless the owner or operator can meet the requirements of Section 724.118(b);

- 8) The owner or operator shall not place any non-containerized or bulk liquid hazardous waste in any salt dome formation, salt bed formation, underground mine, or cave;

- 9) The owner or operator shall develop and maintain a construction quality assurance program for all surface impoundments, waste

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piles, and landfill units that are required to comply with Sections 724.321(c) and (d), 724.351(c) and (d), and 724.401(c) and (d) at the remediation waste management site, according to the requirements of Section 724.119.

10) The owner or operator shall develop and maintain procedures to prevent accidents and a contingency and emergency plan to control accidents that occur. These procedures must address proper design, construction, maintenance, and operation of remediation waste management units at the site. The goal of the plan must be to minimize the possibility of, and the hazards from, a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil, or surface water that could threaten human health or the environment. The plan must explain specifically how to treat, store, and dispose of the hazardous remediation waste in question, and must be implemented immediately whenever a fire, explosion, or release of hazardous waste or hazardous waste constituents occurs that could threaten human health or the environment.

11) The owner or operator shall designate at least one employee, either on the facility premises or on call (that is, available to respond to an emergency by reaching the facility quickly), to coordinate all emergency response measures. This emergency coordinator must be thoroughly familiar with all aspects of the facility's contingency plan, all operations and activities at the facility, the location and characteristics of waste handled, the location of all records within the facility, and the facility layout. In addition, this person must have the authority to commit the resources needed to carry out the contingency plan;

12) The owner or operator shall develop, maintain, and implement a plan to meet the requirements in subsections (3)(2) through (3)(6) and (3)(9) through (3)(10) of this Section; and

13) The owner or operator shall maintain records documenting compliance with subsections (3)(1) through (3)(12) of this Section.

(Source: Amended at 23 Ill. Reg. 94 37, effective Jul 26 1999.)

SUBPART E: MANIFEST SYSTEM, RECORDKEEPING AND REPORTING

Section 724.173 Operating Record

a) The owner or operator shall keep a written operating record at the facility.

b) The following information must be recorded as it becomes available and maintained in the operating record until closure of the facility:

1) A description and the quantity of each hazardous waste received

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and the method or methods and date or dates of its treatment, storage, or disposal at the facility, as required by Appendix A of this Part;

2) The location of each hazardous waste within the facility and the quantity at each location. For disposal facilities, the location and quantity of each hazardous waste must be recorded on a map or diagram of each cell or disposal area. For all facilities, this information must include cross-references to specific manifest document numbers, if the waste was accompanied by a manifest;

3) BOARD NOTE: See Section 724.219 for related requirements.

Records and results of waste analyses and waste determinations performed as specified in Sections 724.113, 724.117, 724.414, 724.431, 724.934, 724.963, and 724.983 and in 35 ill. Adm. Code 724.104(a) and 728.107;

4) Summary reports and details of all incidents that require implementing the contingency plan, as specified in Section 724.156(f);

5) Records and results of inspections, as required by Section 724.115(d) (except these data need to be kept only three years);

6) Monitoring, testing, or analytical data and corrective action data where required by Subpart F of this Part or Sections 724.119, 724.291, 724.293, 724.295, 724.322, 724.323, 724.326, 724.352 through 724.354, 724.376, 724.378, 724.380, 724.402 through 724.404, 724.409, 724.447, 724.702, 724.934(c) through (f), 724.935, 724.963(d) through (i), 724.964, and 724.982 through 724.990;

7) For off-site facilities, notices to generators as specified in Section 724.112(b);

8) All closure cost estimates under Section 724.242 and, for disposal facilities, all post-closure care cost estimates under Section 724.244;

9) A certification by the permittee, no less often than annually: that the permittee has a program in place to reduce the volume and toxicity of hazardous waste that the permittee generates, to the degree the permittee determines to be economically practicable, and that the proposed method of treatment, storage, or disposal is that practicable method currently available to the permittee that minimizes the present and future threat to human health and the environment;

10) Records of the quantities (and date of placement) for each shipment of hazardous waste placed in land disposal units under an extension of the effective date of any land disposal restriction pursuant to 35 Ill. Adm. Code 728.105, a petition to 35 Ill. Adm. Code 728.106 or a certification under 35 Ill. Adm. Code 728.108, and the applicable notice required of a generator under 35 Ill. Adm. Code 728.107(a);

11) For an off-site treatment facility, a copy of the notice, and the certification and demonstration, if applicable, required of the

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generator or the owner or operator under 35 Ill. Adm. Code 728.107 or 728.108;

12) For an on-site treatment facility, the information contained in the notice (except the manifest number), and the certification and demonstration, if applicable, required of the generator or the owner or operator under 35 Ill. Adm. Code 728.107 or 728.108;

13) For an off-site land disposal facility, a copy of the notice, and the certification and demonstration, if applicable, required of the generator or the owner or operator of a treatment facility under 35 Ill. Adm. Code 728.107 or 728.108, whichever is applicable;

14) For an on-site land disposal facility, the information contained in the notice required of the generator or owner or operator of a treatment facility under 35 Ill. Adm. Code 728.107, except for the manifest number, and the certification and demonstration, required under 35 Ill. Adm. Code 728.108, whichever is applicable;

15) For an off-site storage facility, a copy of the notice, and the certification and demonstration if applicable, required of the generator or the owner or operator under 35 Ill. Adm. Code 728.107 or 728.108; **and**

16) For an on-site storage facility, the information contained in the notice (except the manifest number), and the certification and demonstration if applicable, required of the generator or the owner or operator under 35 Ill. Adm. Code 728.107 or 728.108; **and**

17) Any records required under Section 724.101(i)(13).

(Source: Amended 23 Ill. Reg. **-94-37**, effective **1/1/85**)

SUBPART F: RELEASES FROM SOLID WASTE MANAGEMENT UNITS

Section 724.190 Applicability

a) Types of units.

1) Except as provided in subsection (b), the regulations in this Subpart apply to owners and operators of facilities that treat, store or dispose of hazardous waste. The owner or operator shall satisfy the requirements identified in subsection (a)(2) for all wastes (or constituents thereof) contained in solid waste management units at the facility regardless of the time at which waste was placed in such units.

2) All solid waste management units must comply with the requirements in Section 724.201. A surface impoundment, waste pile, land treatment unit or landfill that receives hazardous waste after July 26, 1982 (hereinafter referred to as a "regulated unit") must comply with the requirements of Sections

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724.191 through 724.200, in lieu of Section 724.201 for purposes of detecting, characterizing and responding to releases to the uppermost aquifer. The financial responsibility requirements of Section 724.201 apply to regulated units.

b) The owner or operator's regulated unit or units are not subject to regulation for releases into the uppermost aquifer under this Subpart if:

1) The owner or operator is exempted under Section 724.101; or
2) The owner or operator operates a unit which the Agency finds:

A) Is an engineered structure.
B) Does not receive or contain liquid waste or waste containing free liquids.

C) Is designed and operated to exclude liquid, precipitation, and other runoff **run-on** and runoff **run-off**.

D) Has both inner and outer layers of containment enclosing the waste.

E) Has a leak detection system built into each containment layer.

F) The owner or operator will provide continuing operation and maintenance of these leak detection systems during the active life of the unit and the closure and post-closure care periods, **and**

G) To a reasonable degree of certainty, will not allow hazardous constituents to migrate beyond the outer containment layer prior to the end of the post-closure care period; **or**

3) The Agency finds, pursuant to Section 724.380(d), that the treatment zone of a land treatment unit that qualified as a regulated unit does not contain levels of hazardous constituents that are above background levels of those constituents by an amount that is statistically significant, and if an unsaturated zone monitoring program meeting the requirements of Section 724.378 has not shown a statistically significant increase in hazardous constituents below the treatment zone during operating life of the unit. An exemption under this paragraph can only relieve an owner or operator of responsibility to meet the requirements of this Subpart during the post-closure care period; **or**

4) The Agency finds that there is no potential for migration of liquid from a regulated unit to the uppermost aquifer during the active life of the regulated unit (including the closure period) and the post-closure care period specified under Section 724.217. This demonstration must be certified by a qualified geologist or geotechnical engineer. In order to provide an adequate margin of safety in the prediction of potential migration of liquid, the owner or operator shall base any predictions made under this paragraph on assumptions that maximize the rate of liquid migration; **or**

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- 5) The owner or operator designs and operates a pile in compliance with Section 724.350(c).
- c) The regulations under this Subpart apply during the active life of the regulated unit (including the closure period). After closure of the regulated unit, the following is true of the applicability of the regulations in this Subpart:
 - 1) Do not apply if all waste, waste residues, contaminated containment system components and contaminated subsoils are removed or decontaminated at closure;
 - 2) Apply during the post-closure care period under Section 724.217 if the owner or operator is conducting a detection monitoring program under Section 724.198; or
 - 3) Apply during the compliance period under Section 724.196 if the owner or operator is conducting a compliance monitoring program under Section 724.199 or a corrective action program under Section 724.200.
- d) This Subpart applies to miscellaneous units if necessary to comply with Sections 724.701 through 724.703.
- e) The regulations of this Subpart P apply to all owners and operators subject to the requirements of 35 Ill. Adm. Code 703.161, when the Agency issues a post-closure care permit or other enforceable document that contains alternative requirements for the facility, as provided in 35 Ill. Adm. Code 703.161. Where alternative requirements apply to a facility, a reference in this Subpart to "in the permit" shall mean "in the enforceable document."
- f) A permit or enforceable document can contain alternative requirements for groundwater monitoring and corrective action for releases to groundwater applicable to a regulated unit that replace all or part of the requirements of 35 Ill. Adm. Code 724.191 through 724.200, as provided under 35 Ill. Adm. Code 703.161, where the Board or Agency determines the following:
 - 1) The regulated unit is situated among solid waste management units (or areas of concern), a release has occurred, and both the regulated unit and one or more solid waste management units (or areas of concern) are likely to have contributed to the release; and
 - 2) It is not necessary to apply the groundwater monitoring and corrective action requirements of 35 Ill. Adm. Code 724.191 through 724.200 because alternative requirements will adequately protect human health and the environment.

(Source: Amended 23 Ill. Reg. 94 37, effective Jul 26 1999)

Section 724.201 Corrective Action for Solid Waste Management Units

- a) The owner or operator of a facility seeking a permit for the treatment, storage, or disposal of hazardous waste must institute

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- Corrective ~~correction~~ action as necessary to protect human health and the environment for all releases of hazardous waste or constituents from any solid waste management unit at the facility, regardless of the time at which waste was placed in such unit.
- b) Corrective action will be specified in the permit in accordance with this Section and Subpart S of this Part. The permit will contain schedules of compliance for such corrective action (where such corrective action cannot be completed prior to issuance of the permit) and assurances of financial responsibility for completing such corrective action.
- c) The owner or operator shall ~~must~~ implement corrective action measures beyond the facility property boundary, where necessary to protect human health and the environment, unless the owner or operator demonstrates to the Agency that, despite the owner or operator's best efforts, the owner or operator was unable to obtain the necessary permission to undertake such actions. The owner and operator are not relieved of all responsibility to clean up a release that has migrated beyond the facility boundary where off-site access is denied. On-site measures to address such releases will be determined on a case-by-case basis. Assurances of financial responsibility for such corrective action must be provided.
- d) The requirements of this Section do not apply to remediation waste management sites unless they are part of a facility subject to a permit for treating, storing, or disposing of hazardous wastes that are not remediation wastes.

(Source: Amended at 23 Ill. Reg. 94 37, effective Jul 26 1999)

SUBPART G: CLOSURE AND POST-CLOSURE CARE

Section 724.210 Applicability

Except as Section 724.101 provides otherwise:

- a) Section 724.211 through 724.215 (which concern closure) apply to the owners and operators of all hazardous waste management facilities; and
- b) Sections 724.216 through 724.220 (which concern post-closure care) apply to the owners and operators of:
 - 1) All hazardous waste disposal facilities; or
 - 2) Waste piles and surface impoundments from which the owner or operator intends to remove the wastes at closure, to the extent that Sections 724.216 through 724.220 ~~these sections~~ are made applicable to such facilities in Sections 724.328 or 724.358; and
 - 3) Tank systems which are required under Section 724.297 to meet the requirements for landfills; or
 - 4) Containment buildings that are required under Section 724.1102 to meet the requirements for landfills; and-
- c) A permit or enforceable document can contain alternative requirements

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that replace all or part of the closure and post-closure care requirements of this Subpart G (and the unit-specific standards referenced in Section 724.211(c) applying to a regulated unit), with alternative requirements set out in a permit or other enforceable document, as provided under 35 Ill. Adm. Code 703.161, where the Board or Agency determines the following:

- 1) The regulated unit is situated among solid waste management units (or areas of concern), a release has occurred, and both the regulated unit and one or more solid waste management units (or areas of concern) are likely to have contributed to the release; and
- 2) It is not necessary to apply the closure requirements of this Subpart G (and those referenced herein) because the alternative requirements will protect human health and the environment and will satisfy the closure performance standard of Section 724.211(a) and (b).

(Source: Amended at 23 Ill. Reg. 94 37, effective July 26 1999)

Section 724.212 Closure Plan; Amendment of Plan

a) Written plan Plan.

1) The owner or operator of a hazardous waste management facility shall have a written closure plan. In addition, certain surface impoundments and waste piles from which the owner or operator intends to remove or decontaminate the hazardous waste at partial or final closure are required by Sections 724.328(c)(1)(A) and 724.358(c)(1)(A) to have contingent closure plans. The plan must be submitted with the permit application, in accordance with 35 Ill. Adm. Code 703.183, and approved by the Agency as part of the permit issuance proceeding under 35 Ill. Adm. Code 705. In accordance with 35 Ill. Adm. Code 703.241, the approved closure plan will become a condition of any RCRA permit.

2) The Agency's approval of the plan must ensure that the approved closure plan is consistent with Sections 724.211 through 724.215 and the applicable requirements of Sections 724.190 et seq., 724.278, 724.297, 724.328, 724.358, 724.380, 724.410, 724.451 and 724.701, and 724.1102. Until final closure is completed and certified in accordance with Section 724.215, a copy of the approved plan and all approved revisions must be furnished to the Agency upon request, including request by mail.

b) Content of plan. The plan must identify steps necessary to perform partial or final closure the facility at any point during its active life. The closure plan must include, at least:

- 1) A description of how each hazardous waste management unit at the facility will be closed in accordance with Section 724.211; and
- 2) A description of how final closure of the facility will be

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conducted in accordance with Section 724.211. The description must identify the maximum extent of the operations which will be unclosed during the active life of the facility; and

- 3) An estimate of the maximum inventory of hazardous wastes ever on-site over the active life of the facility and a detailed description of the methods to be used during partial closures and final closure, including, but not limited to, methods for removing, transporting, treating, storing or disposing of all hazardous wastes, and identification of the type(s) of off-site hazardous waste management units to be used, if applicable; and
- 4) A detailed description of the steps needed to remove or decontaminate all hazardous waste residues and contaminated containment system components, equipment, structures, and soils during partial and final closure, including, but not limited to, procedures for cleaning equipment and removing contaminated soils, methods for sampling and testing surrounding soils, and criteria for determining the extent of decontamination required to satisfy the closure performance standard; and
- 5) A detailed description of other activities necessary during the closure period to ensure that all partial closures and final closure satisfy the closure performance standards, including, but not limited to, groundwater monitoring, leachate collection, and runoff run-on and runoff run-off control; and
- 6) A schedule for closure of each hazardous waste management unit and for final closure of the facility. The schedule must include, at a minimum, the total time required to close each hazardous waste management unit and the time required for intervening closure activities which will allow tracking of the progress of partial and final closure. (For example, in the case of a landfill unit, estimates of the time required to treat and dispose of all hazardous waste inventory and of the time required to place a final cover must be included.) and
- 7) For facilities that use trust funds to establish financial assurance under Section 724.243 or 724.245 and that are expected to close prior to the expiration of the permit, an estimate of the expected year of final closure; and
- 8) For a facility where alternative requirements are established at a regulated unit under Section 724.190(f), 724.210(c), or 724.240(d), as provided under 35 Ill. Adm. Code 703.161, either the alternative requirements applying to the regulated unit or a reference to the enforceable document containing those alternative requirements.

c) Amendment of the plan. The owner or operator shall submit a written notification of or request for a permit modification to authorize a change in operating plans, facility design or the approved closure plan in accordance with the applicable procedures in 35 Ill. Adm. Code 702.703 and 705. The written notification or request must include a copy of the amended closure plan for review or approval by the Agency.

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- 1) The owner or operator may submit a written notification or request to the Agency for a permit modification to amend the closure plan at any time prior to notification of partial or final closure of the facility.
- 2) The owner or operator shall submit a written notification or request for a permit modification to authorize a change in the approved closure plan whenever:
 - A) Changes in operating plans or facility design affect the closure plan; or
 - B) There is a change in the expected year of closure, if applicable; or
 - C) In conducting partial or final closure activities, unexpected events require modification of the approved closure plan; or
 - D) The owner or operator requests the establishment of alternative requirements, as provided under 35 Ill. Adm. Code 703.16L, to a regulated unit under Section 724.190(f), 724.210(C), or 724.240(d).
- 3) The owner or operator shall submit a written request for a permit modification including a copy of the amended closure plan for approval at least 60 days prior to the proposed change in the facility design or operation, or no later than 60 days after an unexpected event has occurred which has affected the closure plan, if an unexpected event occurs during the partial or final closure period. The owner or operator shall request a permit modification no later than 30 days after the unexpected event. An owner or operator of a surface impoundment or waste pile that intends to remove all hazardous waste at closure and is not otherwise required to prepare a contingent closure plan under Section 724.328(c)(1)(A) or 724.358(c)(1)(A), shall submit an amended closure plan to the Agency no later than 60 days after the date the owner or operator or Agency determines that the hazardous waste management unit must be closed as a landfill, subject to the requirements of Section 724.410, or no later than 30 days after that date if the determination is made during partial or final closure. The Agency shall approve, disapprove or modify this amended plan in accordance with the procedures in 35 Ill. Adm. Code 702, 703 and 705. In accordance with 35 Ill. Adm. Code 702.160 and 703.241, the approved closure plan will become a condition of any RCRA permit issued.
- 4) The Agency may request modifications to the plan under the conditions described in Section 724.212(c)(2). The owner or operator shall submit the modified plan within 60 days after the Agency's request, or within 30 days if the change in facility conditions occurs during partial or final closure. Any modifications requested by the Agency must be approved in accordance with the procedures in 35 Ill. Adm. Code 702, 703, and 705.

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- d) Notification of partial closure and final closure.
 - 1) The owner or operator shall notify the Agency in writing at least 60 days prior to the date on which the owner or operator expects to begin closure of a surface impoundment, waste pile, land treatment, or landfill unit, or final closure of a facility with such a unit. The owner or operator shall notify the Agency in writing at least 45 days prior to the date on which the owner or operator expects to begin final closure of a facility with only treatment or storage tanks, container storage, or incinerator units to be closed. The owner or operator shall notify the Agency in writing at least 45 days prior to the date on which the owner or operator expects to begin partial or final closure of a boiler or industrial furnace, whichever is earlier.
 - 2) The date when the owner or operator expects to begin closure" must be either:
 - A) No later than 30 days after the date on which any hazardous waste management unit receives the known final volume of hazardous wastes or, if there is a reasonable possibility that the hazardous waste management unit will receive additional hazardous wastes, no later than one year after the date on which the unit received the most recent volume of hazardous waste. If the owner or operator of a hazardous waste management unit demonstrates to the Agency that the hazardous waste management unit or facility has the capacity to receive additional hazardous wastes and that the owner and operator have taken, and will continue to take, all steps to prevent threats to human health and the environment, including compliance with all applicable permit requirements, the Agency shall approve an extension to this one-year limit; or
 - B) For units meeting the requirements of Section 724.213(d), no later than 30 days after the date on which the hazardous waste management unit receives the final known volume of non-hazardous wastes, or, if there is a reasonable possibility that the hazardous waste management unit will receive additional non-hazardous wastes, no later than one year after the date on which the unit received the most recent volume of non-hazardous wastes. If the owner or operator demonstrates to the Agency that the hazardous waste management unit has the capacity to receive additional non-hazardous wastes and that the owner and operator have taken, and will continue to take, all steps to prevent threats to human health and the environment, including compliance with all applicable permit requirements, the Agency shall approve an extension to this one-year limit.
 - 3) If the facility's permit is terminated, or if the facility is otherwise ordered, by judicial decree or Board order, to cease receiving hazardous wastes or to close, then the requirements of

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this subsection do not apply. However, the owner or operator shall close the facility in accordance with the deadlines established in Section 724.213.

- e) Removal of wastes and decontamination or dismantling of equipment. Nothing in this Section shall preclude the owner or operator from removing hazardous wastes and decontaminating or dismantling equipment in accordance with the approved partial or final closure plan at any time before or after notification of partial or final closure.

(Source: Amended 20.499, 23 Ill. Reg. 94.3.7, effective July 20, 1999.)

Section 724.218 Post Closure Care - Closure Plan; Amendment of Plan

- a) Written plan. The owner or operator of a hazardous waste disposal unit shall have a written post-closure care plan. In addition, certain surface impoundments and waste piles from which the owner or operator intends to remove or decontaminate the hazardous wastes at partial or final closure are required by Sections 724.328(c)(1)(B) and 724.358(c)(1)(B) to have contingent post-closure care plans. Owners or operators of surface impoundments and waste piles not otherwise required to prepare contingent post-closure care plans under Section 724.328(c)(1)(B) or 724.358(c)(1)(B) shall submit a post-closure care plan to the Agency within 90 days from the date. That the owner or operator or Agency determines that the hazardous waste management unit must be closed as a landfill, subject to the requirements of Sections 724.217 through 724.220. The plan must be submitted with the permit application, in accordance with 35 Ill. Adm. Code 703.183, and approved by the Agency as part of the permit issuance proceeding under 35 Ill. Adm. Code 705. In accordance with 35 Ill. Adm. Code 703.241, the approved post-closure care plan will become a condition of any RCRA permit issued.

- b) For each hazardous waste management unit subject to the requirements of this Section, the post-closure care plan must identify the activities that will be carried on after closure and the frequency of these activities, and include at least:

- 1) A description of the planned monitoring activities and frequencies which they will be performed to comply with Subparts F, K, L, M, N, and X during the post-closure care period.
- 2) A description of the planned maintenance activities, and frequencies at which they will be performed, to ensure:
 - a) The integrity of the cap and final cover or other containment systems in accordance with the requirements of Subparts F, K, L, M, N, and X; and
 - b) The function of the facility monitoring equipment in accordance with the requirements of Subparts F, K, L, M, N, and X; and
- 3) The name, address, and phone number of the person or office to

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contact about the hazardous disposal unit during the post-closure care period.

- 4) For a facility where alternative requirements are established at a regulated unit under Section 724.190(f), 724.210(c), or 724.240(d), as provided under 35 Ill. Adm. Code 703.161, either the alternative requirements that apply to the regulated unit, or a reference to the enforceable document containing those requirements.

- c) Until final closure of the facility, a copy of the approved post-closure care plan must be furnished to the Agency upon request, including request by mail. After final closure has been certified, the person or office specified in subsection (b)(3) shall keep the approved post-closure care plan during the remainder of the post-closure care period.

- d) Amendment of plan. The owner or operator shall submit a written notification of or request for a permit modification to authorize a change in the approved post-closure care plan in accordance with the applicable requirements of 35 Ill. Adm. Code 703 and 705. The written notification or request must include a copy of the amended post-closure care plan for review or approval by the Agency.

- 1) The owner or operator may submit a written notification or request to the Agency for a permit modification to amend the post-closure care plan at any time during the active life of the facility or during the post-closure care period.

- 2) The owner or operator shall submit a written notification of or request for a permit modification to authorize a change in the approved post-closure care plan whenever any of the following occurs:

- A) Changes in operating plans or facility design affect the post-closure care plan; or
- B) There is a change in the expected year of closure if applicable; or
- C) Events occur during the active life of the facility, including partial and final closures that which affect the approved post-closure care plan; or
- D) The owner or operator requests establishment of alternative requirements to a regulated unit under Section 724.190(f), 724.210(c), or 724.240(d).

- 3) The owner or operator shall submit a written request for a permit modification at least 60 days prior to the proposed change in facility design or operation, or no later than 60 days after an unexpected event has occurred which has affected the post-closure care plan. An owner or operator of a surface impoundment or waste pile that intends to remove all hazardous waste at closure and is not otherwise required to submit a contingent post-closure care plan under Sections 724.328(c)(1)(B) or 724.358(c)(1)(B) shall submit a post-closure plan to the Agency no later than 90 days after the date that the owner or operator

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or Agency determines that the hazardous waste management unit must be closed as a landfill, subject to the requirements of Section 724.410. The Agency shall approve, disapprove, or modify this plan in accordance with the procedure in 35 Ill. Adm. Code 703 and 705. In accordance with 35 Ill. Adm. Code 703.241, the approved post-closure care plan will become a permit condition.

4) The Agency may request modifications to the plan under the conditions described in subsection (d)(2). The owner or operator shall submit the modified plan no later than 60 days after the request, or no later than 90 days if the unit is a surface impoundment or waste pile not previously required to prepare a contingent post-closure care plan. Any modifications requested by the Agency shall be approved, disapproved, or modified in accordance with the procedure in 35 Ill. Adm. Code 703 and 705.

(Source: Amended 23 Ill. Reg. 9437, effective JUL 9 6 1999)

SUBPART H: FINANCIAL REQUIREMENTS

Section 724.240 Applicability

- a) The requirements of Sections 724.242, 724.243, and 724.247 through 724.251 apply to owners and operators of all hazardous waste facilities, except as provided otherwise in this Section or in Section 724.101.
- b) The requirements of Sections 724.244 and 724.245 apply only to owners and operators of:
 - 1) Disposal facilities; or
 - 2) Piles, and surface impoundments from which the owner or operator intends to remove the wastes at closure, to the extent that Sections 724.244 and 724.245 these sections are made applicable to such facilities in Sections 724.328 and 724.358; or
 - 3) Tank systems which are required under Section 724.297 to meet the requirements for landfills; or
 - 4) Containment buildings that are required under Section 724.1102 to meet the requirements for landfills.
- c) States and federal Federal government are exempt from the requirements of this Subpart.
- d) A permit or enforceable document can contain alternative requirements that replace all or part of the financial assurance requirements of this Subpart H of this part applying to a regulated unit, as provided in 35 Ill. Adm. Code 703.161, where the Board or Agency has done the following:
 - 1) The Board or Agency has established alternative requirements for the regulated unit established under Section 724.190(f) or 724.210(d); and
 - 2) The Board or Agency determines that it is not necessary to apply

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the financial assurance requirements of this Subpart H because the alternative financial assurance requirements will protect human health and the environment.

(Source: Amended at 23 Ill. Reg. 9437, effective JUL 26 1999)

SUBPART S: CORRECTIVE ACTION FOR SOLID WASTE MANAGEMENT UNITS

Section 724.652 Corrective Action Management Units

- a) To implement ~~per the purpose of implementing~~ remedies under Section 724.201 or RCRA section Section 3008(h), or to implement remedies at a permitted facility that is not subject to Section 724.201, the Agency may designate an area at the facility as a corrective action management unit, as defined in 35 Ill. Adm. Code 720.110 740.18, in accordance with the requirements of this Section. A CAMU must be located within the contiguous property under the control of the owner or operator where the wastes to be managed in the CAMU originated. One or more CAMUs may be designated at a facility.
 - 1) Placement of remediation wastes into or within a CAMU does not constitute land disposal of hazardous wastes.
 - 2) Consolidation or placement of remediation wastes into or within a CAMU does not constitute creation of a unit subject to minimum technology requirements.
- b) Designation of a CAMU.
 - 1) The Agency may designate a regulated unit (as defined in Section 724.190(a)(2)) as a CAMU, or it may incorporate a regulated unit into a CAMU, if:
 - A) The regulated unit is closed or closing, meaning it has begun the closure process under Section 724.213 or 35 Ill. Adm. Code 725.213; and
 - B) Inclusion of the regulated unit will enhance implementation of effective, protective, and reliable remedial actions for the facility.
 - 2) The requirements of Subparts F, G, and H and the unit-specific requirements of this Part or the 35 Ill. Adm. Code 725 requirements that applied to that regulated unit will continue to apply to that portion of the CAMU after incorporation into the CAMU.
- c) The Agency shall designate a CAMU in accordance with the following factors:
 - 1) The CAMU shall facilitate the implementation of reliable, effective, protective, and cost-effective remedies;
 - 2) Waste management activities associated with the CAMU shall not create unacceptable risks to humans or to the environment resulting from exposure to hazardous wastes or hazardous constituents;

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Section 724.653 Temporary Units

- a) For temporary tanks and container storage areas used to treat or store ~~for treatment or storage of~~ hazardous remediation wastes, during remedial activities required under Section 724.201 or RCRA section 3008(h), ~~or~~ at a permitted facility that is not subject to Section 724.201, the Agency may designate a unit at the facility as a temporary unit. A temporary unit must be located within the contiguous property under the control of the owner or operator where the wastes to be managed in the temporary unit originated. For temporary units, the Agency may replace the design, operating, or closure standards applicable to these units under this Part 724 or 35 Ill. Adm. Code 725 with alternative requirements that protect human health and the environment. ~~shall establish alternative requirements pursuant to this Section if it determines that a design, operating, or closure standard applicable to such units may be replaced by alternative requirements that is equally as protective of human health and the environment as would be the standard of this Part or of 35 Ill. Adm. Code 725, if applied.~~
- b) Any temporary unit to which alternative requirements are applied in accordance with subsection (a) shall be:
- 1) Located within the facility boundary; and
 - 2) Used only for treatment or storage of remediation wastes.
- c) In establishing alternative requirements to be applied to a temporary unit, the Agency shall consider the following factors:
- 1) The length of time such unit will be in operation;
 - 2) The type of unit;
 - 3) The volumes of wastes to be managed;
 - 4) The physical and chemical characteristics of the wastes to be managed in the unit;
 - 5) The potential for releases from the unit;
 - 6) The hydrogeological and other relevant environmental conditions at the facility that may influence the migration of any potential releases; and
 - 7) The potential for exposure of humans and environmental receptors if releases were to occur from the unit.
- d) The Agency shall specify in the permit the length of time a temporary unit will be allowed to operate, which shall be no longer than one year. The Agency shall also specify the design, operating, and closure requirements for the unit.
- e) The Agency may extend the operational period of a temporary unit once, for no longer than a period of one year beyond that originally specified in the permit, if the Agency determines that:
- 1) Continued operation of the unit will not pose a threat to human health and the environment; and
 - 2) Continued operation of the unit is necessary to ensure timely and efficient implementation of remedial actions at the facility.
- f) Incorporation of a temporary unit or a time extension for a temporary

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Section 724.654 Staging Piles

unit into an existing permit shall be:

- 1) Approved in accordance with the procedures for Agency-initiated permit modifications under 35 Ill. Adm. Code 703.270 through 703.273; or
 - 2) Requested by the owner/operator as a Class 2 modification according to the procedures under 35 Ill. Adm. Code 703.283.
- The Agency shall document the rationale for designating a temporary unit and for granting time extensions for temporary units and shall make such documentation available to the public.
- g) ~~BOARD NOTE: USEPA Derived-from-40-CFR-264-553-(1993)-as-added-at-59 Fed-Reg-6684 (Feb-16-1993)-59-BPA promulgated this provision pursuant to HSWA provisions of RCRA Subtitle C. Since the federal provision became immediately effective in Illinois, and until USEPA 6-8-89 BPA authorizes this Illinois provision, an owner or operator must seek TU authorization from USEPA 6-8-89 BPA Region V, as well as authorization from the Agency under this provision.~~

(Source: Amended at 23 Ill. Reg. 9437, effective July 26 1999)

Section 724.654 Staging Piles

This Section is written in a special format to make it easier to understand the regulatory requirements. Like all other regulations, this Section establishes enforceable legal requirements.

- a) What is a staging pile? A staging pile is an accumulation of solid, non-flowing remediation waste (as defined in 35 Ill. Adm. Code 720.110) that is not a containment building and that is used only during remedial operations for temporary storage at a facility. A staging pile must be located within the contiguous property under the control of the owner or operator where the wastes to be managed in the staging pile originated. Staging piles must be designated by the Agency in accordance with the requirements in this Section.
- b) When may an owner or operator use a staging pile? An owner or operator may use a staging pile to store hazardous remediation waste (or remediation waste otherwise subject to land disposal restrictions) only if an owner or operator follows the standards and design criteria the Agency has designated for that staging pile. The Agency shall designate the staging pile in a permit or, at an interim status facility, in a closure plan or order (consistent with 35 Ill. Adm. Code 703.155(a)(5) and (b)(5)). The Agency shall establish conditions in the permit, closure plan, or order that comply with subsections (d) through (k) of this Section.
- c) What information must an owner or operator provide to get a staging pile designated? When seeking a staging pile designation, an owner or operator shall provide:
 - 1) Sufficient and accurate information to enable the Agency to impose standards and design criteria for the facility's staging

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- pile according to subsections (d) through (k) of this Section;
- 2) Certification by an independent, qualified, registered professional engineer of technical data, such as design drawings and specifications, and engineering studies, unless the Agency determines, based on information that an owner or operator provides, that this certification is not necessary to ensure that a staging pile will adequately protect human health and the environment; and
- 3) Any additional information the Agency determines is necessary to adequately protect human health and the environment.
- d) What performance criteria must a staging pile satisfy? The Agency shall establish the standards and design criteria for the staging pile in the permit, closure plan, or order.
- 1) The standards and design criteria must comply with the following:
- A) The staging pile must facilitate a reliable, effective, and protective remedy;
 - B) The staging pile must be designed so as to prevent or minimize releases of hazardous wastes and hazardous constituents into the environment, and minimize or control cross-media transfer, as necessary to protect human health and the environment (for example, through the use of liners, covers, or runoff and runoff controls, as appropriate); and
 - C) The staging pile must not operate for more than two years, except when the Agency grants an operating term extension under subsection (1) of this Section. An owner or operator shall measure the two-year limit or other operating term specified by the Agency in the permit, closure plan, or order from the first time an owner or operator places remediation waste into a staging pile. An owner or operator shall maintain a record of the date when it first placed remediation waste into the staging pile for the life of the permit, closure plan, or order, or for the three years, whichever is longer.
- 2) In setting the standards and design criteria, the Agency shall consider the following factors:
- A) The length of time the pile will be in operation;
 - B) The volumes of wastes the owner or operator intends to store in the pile;
 - C) The physical and chemical characteristics of the wastes to be stored in the unit;
 - D) The potential for releases from the unit;
 - E) The hydrogeological and other relevant environmental conditions at the facility that may influence the migration of any potential releases; and
 - F) The potential for human and environmental exposure to potential releases from the unit.
- e) May a staging pile receive ignitable or reactive remediation waste? An owner or operator shall not place ignitable or reactive remediation

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- waste in a staging pile unless:
- 1) The owner or operator has treated, rendered, or mixed the remediation waste before it placed the waste in the staging pile so that the following is true of the waste:
 - A) The remediation waste no longer meets the definition of ignitable or reactive under 35 Ill. Adm. Code 721.121 or 721.123; and
 - B) The owner or operator has complied with Section 724.117(b); or
 - 2) An owner or operator manages the remediation waste to protect it from exposure to any material or condition that may cause it to ignite or react.
- f) How does an owner or operator handle incompatible remediation wastes in a staging pile? The term "incompatible waste" is defined in 35 Ill. Adm. Code 720.110. An owner or operator shall comply with the following requirements for incompatible wastes in staging piles:
- 1) An owner or operator shall not place incompatible remediation wastes in the same staging pile unless an owner or operator has complied with Section 724.117(b);
 - 2) If remediation waste in a staging pile is incompatible with any waste or material stored nearby in containers, other piles, open tanks, or land disposal units (for example, surface impoundments), an owner or operator shall separate the incompatible materials, or protect them from one another by using a dike, berm, wall, or other device; and
 - 3) An owner or operator shall not pile remediation waste on the same base where incompatible wastes or materials were previously piled, unless the base has been decontaminated sufficiently to comply with Section 724.117(b).
- g) Are staging piles subject to Land Disposal Restrictions (LDR) and federal Minimum Technological Requirements (MTR)? No. Placing hazardous remediation wastes into a staging pile does not constitute land disposal of hazardous wastes or create a unit that is subject to the federal minimum technological requirements of RCRA 3004(a), 42 USC 6924(a).
- h) How long may an owner or operator operate a staging pile? The Agency may allow a staging pile to operate for up to two years after hazardous remediation waste is first placed into the pile. An owner or operator shall use a staging pile no longer than the length of time designated by the Agency in the permit, closure plan, or order (the "operating term"), except as provided in subsection (1) of this Section.
- i) May an owner or operator receive an operating extension for a staging pile?
- 1) The Agency may grant one operating term extension of up to 180 days beyond the operating term limit contained in the permit, closure plan, or order (see subsection (1) of this Section for modification procedures). To justify the need for an extension,

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an owner or operator shall provide sufficient and accurate information to enable the Agency to determine that the following is true of continued operation of the staging pile:

A) Continued operation will not pose a threat to human health and the environment; and

B) Continued operation is necessary to ensure timely and efficient implementation of remedial actions at the facility.

2) The Agency shall, as a condition of the extension, specify further standards and design criteria in the permit, closure plan, or order, as necessary, to ensure protection of human health and the environment.

j) What is the closure requirement for a staging pile located in a previously contaminated area?

1) Within 180 days after the operating term of the staging pile expires, an owner or operator shall close a staging pile located in a previously contaminated area of the site by removing or decontaminating all of the following:

A) Remediation waste;
B) Contaminated containment system components; and
C) Structures and equipment contaminated with waste and leachate.

2) An owner or operator shall also decontaminate contaminated subsoils in a manner and according to a schedule that the Agency determines will protect human health and the environment.

3) The Agency shall include the above requirements in the permit, closure plan, or order in which the staging pile is designated.

k) What is the closure requirement for a staging pile located in an uncontaminated area?

1) Within 180 days after the operating term of the staging pile expires, an owner or operator shall close a staging pile located in an uncontaminated area of the site according to Sections 724.358(a) and 724.211 or according to 35 Ill. Adm. Code 725.358(a) and 725.211.

2) The Agency shall include the above requirements in the permit, closure plan, or order in which the staging pile is designated.

l) How may an existing permit (for example, RAP), closure plan, or order be modified to allow an owner or operator to use a staging pile?

1) To modify a permit, other than a RAP, to incorporate a staging pile or staging pile operating term extension, either of the following must occur:

A) The Agency shall approve the modification under the procedures for Agency-initiated permit modifications in 35 Ill. Adm. Code 703.270 through 703.273; or

B) An owner or operator shall request a Class 2 modification under 35 Ill. Adm. Code 703.280 through 703.283.

2) To modify a RAP to incorporate a staging pile or staging pile operating term extension, an owner or operator shall comply with

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the RAP modification requirements under 35 Ill. Adm. Code 703.304(a) and (b).

3) To modify a closure plan to incorporate a staging pile or staging pile operating term extension, an owner or operator shall follow the applicable requirements under Section 724.212(c) or 35 Ill. Adm. Code 725.212(c).

4) To modify an order to incorporate a staging pile or staging pile operating term extension, an owner or operator shall follow the terms of the order and the applicable provisions of 35 Ill. Adm. Code 703.155(a)(5) or (b)(5).

m) Is information about the staging pile available to the public? The Agency shall document the rationale for designating a staging pile or staging pile operating term extension and make this documentation available to the public.

(Source: Added at 23 Ill. Reg. 9437, effective July 26 1999)

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- 1) Heading of the Part: Standards For The Management Of Specific Hazardous Waste And Specific Types Of Hazardous Waste Management Facilities
- 2) Code citation: 35 Ill. Adm. Code 726
- 3) Section Numbers:
726.180 Amended
726.200 Amended
- 4) Statutory authority: 415 ILCS 5/7.2, 22.4 and 27.
- 5) Effective date of amendments: July 26, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No. Although the existing text of Part 726 includes incorporations by reference, the present amendments do not affect those incorporations.
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the Board's principal office and is available for public inspection.
- 9) Notice of proposal published in Illinois Register: April 23, 1999, 23 Ill. Reg. 5032
- 10) Has JCAR issued a Statement of Objections to these amendments? No

Section 22.4(a) of the Environmental Protection Act [415 ILCS 5/22.4(a)] provides that Section 5 of the Administrative Procedure Act [5 ILCS 100/5-35 and 5-40] shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

11) Differences between proposal and final version:

Section Revised	Source(s) of Revision(s)
726. table of contents	Board
726.180(a)(2)	JCAR
726.180(a)(3)	JCAR
	Changed "is subject" to "are subject" in column four
	Added "notification requirements at" in column three; changed comma to

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- conjunction "and," removed "a notification requirements" in column four
- 726.180(a)(4) JCAR
- Changed conjunction comma to conjunction "and," corrected "262.11" to "722.111" in column four
- 726.180(a)(5) JCAR
- Changed conjunction comma to conjunction "and" in column four, corrected "262.11" to "722.111" in column four
- 726.180(b)(1)(A) JCAR
- Changed ending punctuation to a period
- 726.180(b)(1)(F) JCAR, Agency
- Corrected spelling of "Subparts"
- 726.180(b)(2) JCAR
- Changed to lower-cased "permitted facility;" added a comma after the word "facility"
- 726.180(b)(2)(C) JCAR
- Added missing second closing parenthesis mark
- 726.180(b)(2)(E) JCAR
- Added missing second closing parenthesis mark
- 726.200(c)(3)(A)(i) JCAR
- Corrected "less than" to "less than"
- 726.200(c)(3)(B) JCAR
- Removed "of this Part" (twice)
- 726.200(g) "one hour block average" JCAR
- Added ending period

12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR?

Section 22.4(a) of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

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- 13) Will these amendments replace emergency amendments currently in effect?
No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and purpose of amendments:

A more detailed description is contained in the Board's opinion and order of June 17, 1999 in docket R99-15, which opinion and order is available from the address below. Section 22.4 of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply, because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCPR.

This proceeding updates the Illinois RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by the United States Environmental Protection Agency (USEPA) that appeared in the *Federal Register* during a single update period. The docket and time period that is involved in this proceeding is the following:

R99-15 Federal RCRA Subtitle C amendments that occurred during the period July 1, 1998, through December 31, 1998.

The R99-15 docket amends rules in Parts 703, 720, 721, 724, 725, 726, 728, and 733. Prior to discussing the specific changes made to this Part, the Board will describe the docket as a whole, since amendments to various Parts may be inter-related. The following table briefly summarizes the federal actions in the update period:

- | | |
|---|---|
| 63 Fed. Reg. 37780
(July 14, 1998) | USEPA withdrew segments of a May 6, 1998 direct final rule that drew adverse comment. |
| 63 Fed. Reg. 42109
(August 6, 1998) | USEPA adopted new waste listings and land disposal restrictions (LDRs) for petroleum wastes, including certain exclusions from regulation as hazardous waste. |
| 63 Fed. Reg. 42580
(August 10, 1998) | USEPA adopted corrections to the May 4, 1998, organobromine production waste rules; the May 26, 1998, Phase IV LDRs; and the June 29, 1998, organobromine waste technical amendments. |
| 63 Fed. Reg. 46331
(August 31, 1998) | USEPA adopted technical amendments to the May 4, 1998, organobromine waste rules. |

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- 63 Fed. Reg. 47409
(September 4, 1998)
- USEPA changed the effective dates and adopted emergency amendments to the LDRs applicable to several carbonate wastes and waste constituents.
- 63 Fed. Reg. 48124
(September 9, 1998)
- USEPA issued an extension of the Phase IV LDR compliance deadline, until November 26, 1998, for certain limited metal-bearing wastes.
- 63 Fed. Reg. 51253
(September 24, 1998)
- USEPA adopted LDR treatment standards applicable to spent potliners from primary aluminum production.
- 63 Fed. Reg. 54356
(October 9, 1998)
- USEPA changed the compliance deadline of the August 6, 1998 petroleum waste rules until December 8, 1998.
- 63 Fed. Reg. 56709
(October 22, 1998)
- USEPA amended the treatment, storage, and disposal facility standards to allow states to use mechanisms other than permits to approve facility post-closure care plans and to allow the closure of certain units through the corrective action program.
- 63 Fed. Reg. 64371
(November 19, 1998)
- USEPA issued a final decision not to list 14 waste solvents as hazardous waste.

USEPA adopted new remedial action plan (RAP) requirements applicable to the treatment, storage, or disposal of hazardous remediation wastes during cleanup actions.

USEPA adopted corrective and clarifying amendments to the May 11, 1995 (60 Fed. Reg. 25492) universal waste rule. The amendments correct aspects of the standards for spent lead-acid battery management and the definition of small quantity universal waste handler, and they clarify the export requirements for destination facilities that are universal waste handlers.

The Board has already taken or does not need to take action based on five sets of these Federal RCRA Subtitle C amendments. The Board dealt with the federal action of July 14, August 10 and 31, September 9, and October 9, 1998, in the prior consolidated R98-21/R99-7 RCRA Subtitle C and underground injection control (UIC) update docket, adopted on December 17, 1998, and filed with the Secretary of State on January 19, 1999. (The

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Board made all but one of the federal amendments of August 6, 1999, in the consolidated R98-21/R99-2/R99-7 update docket, but must complete the one minor amendment in this rulemaking.) The Board will not amend the Illinois regulations in response to the federal action of November 19, 1998, where the USEPA determination not to list the wastes as hazardous did not result in an amendment of the federal regulations.

In addition to the federal actions that fall within the timeframes of this docket, the Board is including additional federal actions that occurred later. These additional actions directly impact one or more of the actions that USEPA took within the timeframes that are involved.

64 Fed. Reg. 6806
(February 11, 1999)

USEPA adopted amendments to the exclusions from the definition of hazardous waste that have the effect of deferring regulation of certain materials as hazardous waste until February 13, 2001. The wastes affected are landfill leachate and landfill gas condensate derived from previously-disposed petroleum refining wastes (USEPA hazardous waste codes K169 through K172, originally listed on August 6, 1998 (63 Fed. Reg. 42110), effective February 6, 1999, and adopted by the Board on December 17, 1998, in consolidated update docket R98-21/R99-2/R99-7, effective January 19, 1999).

The Board examined three federal actions that amended the Clean Water Act analytical methods, which are incorporated by reference in 35 Ill. Adm. Code 720.111. The Board updates the incorporation by reference.

63 Fed. Reg. 38756
(July 20, 1998)

USEPA published a correction to 40 C.F.R. 136.3(e) table, as published on July 1, 1997.

63 Fed. Reg. 44146
(August 18, 1998)

USEPA published a correction to 40 C.F.R. 136.3(e) table, as published on July 1, 1997.

63 Fed. Reg. 50387
(September 21, 1998)

USEPA adopted effluent discharge and wastewater pretreatment standards for the pharmaceutical manufacturing industry sector.

The Board dealt with the federal actions of July 20 and August 18, 1998, in the prior consolidated R98-21/R99-2/R99-7 RCRA Subtitle C and underground injection control (UIC) update docket, adopted on December 17, 1998, and filed with the Secretary of State on January 19, 1999. Thus, the Board is acting in this R99-15 docket on the following USEPA amendments:

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USEPA adopted new waste listings and land disposal restrictions (LDRs) for petroleum wastes, including certain exclusions from regulation as hazardous waste.

USEPA changed the effective dates and adopted emergency amendments to the LDRs applicable to several carbonate wastes and waste constituents.

USEPA adopted effluent discharge and wastewater pretreatment standards for the pharmaceutical manufacturing industry sector.

USEPA adopted IDR treatment standards applicable to spent potliners from primary aluminum production.

USEPA amended the treatment, storage, and disposal facility standards to allow states to use mechanisms other than permits to approve facility post-closure care plans and to allow the closure of certain units through the corrective action program.

USEPA adopted new remedial action plan (RAP) requirements applicable to the treatment, storage, or disposal of hazardous remediation wastes during cleanup actions.

USEPA adopted corrective and clarifying amendments to the May 11, 1995 (60 Fed. Reg. 25492) universal waste rule. The amendments correct aspects of the standards for spent lead-acid battery management and the definition of small quantity universal waste handler, and they clarify the export requirements for destination facilities that are universal waste handlers.

USEPA adopted amendments to the exclusions from the definition of hazardous waste that have the effect of deferring regulation of certain materials as hazardous waste until February 13, 2001. The wastes affected are landfill leachate and landfill gas condensate derived from previously-disposed petroleum refining wastes (USEPA hazardous waste codes

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K169 through K172, originally listed on August 6, 1998 (63 Fed. Reg. 42110), effective February 6, 1999, and adopted by the Board on December 17, 1998, in consolidated update docket R98-21/R99-2/R99-7, effective January 19, 1999).

Specifically, the amendments to Part 726 implement segments of the federal August 6, 1998 petroleum waste listings and land disposal restrictions and the December 24, 1998 universal waste rule corrective and clarifying amendments.

Section 22.4 of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by UCR.

16) Information and questions regarding these adopted amendments shall be directed to:

Michael J. McCambridge
Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601
312-814-6924

Request copies of the Board's opinion and order of June 17, 1999 in docket R99-15 from Patricia Jones, at 312-814-3620.

The full text of the adopted amendments begins on the next page:

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TITLE 35: ENVIRONMENTAL PROTECTION
SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 726

STANDARDS FOR THE MANAGEMENT OF
SPECIFIC HAZARDOUS WASTE AND SPECIFIC TYPES
OF HAZARDOUS WASTE MANAGEMENT FACILITIES

SUBPART C: RECYCLABLE MATERIALS USED IN A
MANNER CONSTITUTING DISPOSAL

Section	Applicability
726.120	Standards applicable to generators and transporters of materials used in a manner that constitutes disposal
726.121	Standards applicable to storers, who are not the ultimate users, of materials that are to be used in a manner that constitutes disposal
726.122	Standards Applicable to Users of Materials that are Used in a Manner that Constitutes Disposal
726.123	

SUBPART D: HAZARDOUS WASTE BURNED FOR ENERGY RECOVERY

Section	Applicability (Repealed)
726.130	Prohibitions (Repealed)
726.131	Standards applicable to generators of hazardous waste fuel (Repealed)
726.132	Standards applicable to transporters of hazardous waste fuel (Repealed)
726.133	Standards applicable to marketers of hazardous waste fuel (Repealed)
726.134	Standards applicable to burners of hazardous waste fuel (Repealed)
726.135	Conditional exemption for spent materials and by-products exhibiting a characteristic of hazardous waste (Repealed)
726.136	

SUBPART E: USED OIL BURNED FOR ENERGY RECOVERY (Repealed)

Section	Applicability (Repealed)
726.140	Prohibitions (Repealed)
726.141	Standards applicable to generators of used oil burned for energy recovery (Repealed)
726.142	Standards applicable to marketers of used oil burned for energy recovery (Repealed)
726.143	Standards applicable to burners of used oil burned for energy recovery (Repealed)
726.144	Standards applicable to burners of used oil burned for energy recovery (Repealed)

SUBPART F: RECYCLABLE MATERIALS UTILIZED FOR

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PRECIOUS METAL RECOVERY

Section
726.170 Applicability and requirements

SUBPART G: SPENT LEAD-ACID BATTERIES
BEING RECLAIMED

Section
726.180 Applicability and requirements

SUBPART H: HAZARDOUS WASTE BURNED IN BOILERS
AND INDUSTRIAL FURNACES

Section
726.200 Applicability

726.201 Management prior to Burning

726.202 Permit standards for Burners

726.203 Interim Status Standards for Burners

726.204 Standards to Control Organic Emissions

726.205 Standards to Control PM

726.206 Standards to Control Metals Emissions

726.207 Standards to Control HCl and Chlorine Gas Emissions

726.208 Small quantity On-site burner Exemption

726.209 Low risk waste Exemption

726.210 Waiver of DRE trial burn for Boilers

726.211 Standards for direct Transfer

726.212 Regulation of Residues

726.219 Extensions of Time

SUBPART M: MILITARY MUNITIONS

Section
726.300 Applicability

726.301 Definitions

726.302 Definition of Solid Waste

726.303 Standards Applicable to the Transportation of Solid Waste Military Munitions

726.304 Standards Applicable to Emergency Responses

726.305 Standards Applicable to the Storage of Solid Waste Military Munitions

726.306 Standards Applicable to the Treatment and Disposal of Waste Military Munitions

APPENDIX A Tier I and Tier II Feed Rate and Emissions Screening Limits for Metals

APPENDIX B Tier I Feed Rate Screening Limits for Total Chlorine

APPENDIX C Tier II Emission Rate Screening Limits for Free Chlorine and Hydrogen Chloride

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APPENDIX D Reference Air Concentrations

APPENDIX E Risk Specific Doses

APPENDIX F Stack Plume Rise

APPENDIX G Health-Based Limits for Exclusion of Waste-Derived Residues

APPENDIX H Potential PICs for Determination of Exclusion of Waste-Derived Residues

APPENDIX I Methods Manual for Compliance with BIF Regulations

APPENDIX J Guideline on Air Quality Models

APPENDIX K Lead-Bearing Materials That May be Processed in Exempt Lead Smelters

APPENDIX L Nickel or Chromium-Bearing Materials that may be Processed in Exempt Nickel-Chromium Recovery Furnaces

APPENDIX M Mercury-Bearing Wastes That May Be Processed in Exempt Mercury Recovery Units

TABLE A Exempt Quantities for Small Quantity Burner Exemption

AUTHORITY: Implementing Section 22.4 and authorized by Section 27 of the Environmental Protection Act [415 ILCS 5/22.4 and 27].

SOURCE: Adopted in R85-22 at 10 Ill. Reg. 1162, effective January 2, 1986; amended in R86-1 at 10 Ill. Reg. 14156, effective August 12, 1986; amended in R87-26 at 12 Ill. Reg. 2900, effective January 15, 1986; amended in R89-1 at 13 Ill. Reg. 18606, effective November 13, 1989; amended in R90-2 at 14 Ill. Reg. 14533, effective August 22, 1990; amended in R90-11 at 15 Ill. Reg. 9727, effective June 17, 1991; amended in R91-13 at 16 Ill. Reg. 9858, effective June 9, 1992; amended in R92-10 at 17 Ill. Reg. 5865, effective March 26, 1993; amended in R93-4 at 17 Ill. Reg. 20904, effective November 22, 1993; amended in R94-7 at 18 Ill. Reg. 12500, effective July 29, 1994; amended in R95-6 at 19 Ill. Reg. 10006, effective June 27, 1995; amended in R95-20 at 20 Ill. Reg. 11263, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 20 Ill. Reg. 754, effective December 16, 1997; amended in R97-21/R98-3/R98-5 at 22 Ill. Reg. 18042, effective September 28, 1998; amended in R99-15 at 23 Ill. Reg. 9482, effective JUL 26 1999.

NOTE: In this Part, unless the context clearly indicates otherwise, superscript numbers or letters are denoted by parentheses; subscript are denoted by brackets; and SUM means the summation series or sigma function as used in mathematics.

SUBPART G: SPENT LEAD-ACID BATTERIES
BEING RECLAIMED

Section 726.180 Applicability and requirements

a) Are spent lead-acid batteries exempt from hazardous waste management requirements? If an owner or operator generates, collects, transports, stores, or regenerates lead-acid batteries for reclamation purposes, the owner or operator may be exempt from certain hazardous

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waste management requirements. Use the following table to determine which requirements apply to the owner or operator. Alternatively, the owner or operator may choose to manage its spent lead-acid batteries under the "Universal Waste" rule in 35 Ill. Adm. Code 733.

If the owner or operator...	Then an owner or operator...
(1) Will be reclaimed through regeneration (such as by electrolyte replacement)	And if an owner or operator...
	is exempt from 35 Ill. Adm. Code 702.703, 705.722 (except for 35 Ill. Adm. Code 722.111), 723.724, 725.726, 728, and the notification requirements at section 3010 of RCRA
	is subject to 35 Ill. Adm. Code 721 and 722.111

(2) Will be reclaimed other than through regeneration

generates, or collects, or transports these batteries for 35 Ill. Adm. Code 722.111), 723.724, 725.726, and the notification requirements at section 3010 of RCRA

is subject to 35 Ill. Adm. Code 721 and 722.111 and applicable provisions under 35 Ill. Adm. Code 728

(3) Will be reclaimed other than through regeneration

stores these batteries but the owner or operator is not the reclaimers 35 Ill. Adm. Code 702.703, 705.722 (except for 35 Ill. Adm. Code 722.111), 723.724, 725.726, and the notification requirements at section 3010 of RCRA

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(4) Will be reclaimed other than through regeneration	stores these batteries before the owner or operator recycles them	shall comply with 35 Ill. Adm. Code 726.180(b) and, as appropriate, other regulatory provisions described in 35 Ill. Adm. Code 728.180(b)	is subject to 35 Ill. Adm. Code 721 and 722.111 and applicable provisions under 35 Ill. Adm. Code 728
(5) Will be reclaimed other than through regeneration	does not store these batteries before the owner or operator recycles them	is exempt from 35 Ill. Adm. Code 702.703, 705.722 (except for 35 Ill. Adm. Code 722.111), 723.724, 725.726, and the notification requirements at section 3010 of RCRA	is subject to 35 Ill. Adm. Code 721 and 722.111 and applicable provisions under 35 Ill. Adm. Code 728

a) The regulations of this Subpart apply to a person that recycles (including regeneration) spent lead-acid batteries that are recyclable materials--(spent batteries)--A person that generates, transports, or collects spent batteries or that stores spent batteries (other than spent batteries that are to be regenerated), but one that does not reclaim the batteries is not subject to regulation under 35 Ill. Adm. Code 728 through 726 or 35 Ill. Adm. Code 702.703 or 705 and also is not subject to the requirements of Section 3010 of the Resource Conservation and Recovery Act.

b) If an owner or operator stores spent lead-acid batteries before it recycles them but not through regeneration, which requirements apply? The requirements of subsection (b) of this Section apply to an owner or operator if the owner or operator stores spent lead-acid batteries before it recycles them, but the owner or operator does not reclaim them through regeneration. The requirements are slightly different depending on the owner's or operator's RCRA permit status.

b) Owners or operators of facilities that store spent batteries before reclaiming the batteries (other than spent batteries that are to be regenerated) are subject to the following requirements:

- 1) For an interim status facility, the owner or operator shall comply with the following requirements:
 - A) The notification requirements under Section 3010 of the Resource Conservation and Recovery Act (RCRA).
 - B) All applicable provisions in 35 Ill. Adm. Code 725 Subpart A.
 - C) All applicable provisions in 35 Ill. Adm. Code 725 Subpart A.

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- except 35 Ill. Adm. Code 725.113 (waste analysis).
- D) All applicable provisions in 35 Ill. Adm. Code 725. Subparts C and D.
- E) All applicable provisions in 35 Ill. Adm. Code 725. Subpart E except 35 Ill. Adm. Code 725.171 and 725.172 (dealing with the use of the manifest and manifest discrepancies).
- F) All applicable provisions in 35 Ill. Adm. Code 725. Subparts F through L.
- 2) ~~All applicable provisions in 35 Ill. Adm. Code 724. Subparts A through L (but not 35 Ill. Adm. Code 724.113 (waste analysis)).~~ ~~Cy-B, B (but not 35 Ill. Adm. Code 724.111 or 724.172 (dealing with the use of the manifest and manifest discrepancies)).~~ ~~P-through-B~~
- 3) ~~All applicable provisions in 35 Ill. Adm. Code 725. Subparts A through L (but not 35 Ill. Adm. Code 725.113 (waste analysis)).~~ ~~Cy-B, B (but not 35 Ill. Adm. Code 725.171 and 725.172 (dealing with the use of the manifest and manifest discrepancies)).~~ ~~P-through-B~~
- G) All applicable provisions in 35 Ill. Adm. Code 702, 703, and 705.
- 2) For a permitted facility, the following requirements:
- A) The notification requirements under section 3010 of RCRA.
- B) All applicable provisions in 35 Ill. Adm. Code 724. Subpart A.
- C) All applicable provisions in 35 Ill. Adm. Code 724. Subpart B (but not 35 Ill. Adm. Code 724.113 (waste analysis)).
- D) All applicable provisions in 35 Ill. Adm. Code 724. Subparts C and D.
- E) All applicable provisions in 35 Ill. Adm. Code 724. Subpart E (but not 35 Ill. Adm. Code 724.171 or 724.172 (dealing with the use of the manifest and manifest discrepancies)).
- F) All applicable provisions in 35 Ill. Adm. Code 724. Subparts F through L.
- G) All applicable provisions in 35 Ill. Adm. Code 702, 703, and 705.
- e) ~~Spent lead acid batteries that are not managed under this Part are subject to management under 35 Ill. Adm. Code 739.~~
- (Source: Amended at 23 Ill. Reg. 94 8 9, effective July 20 1998)

Subpart H: HAZARDOUS WASTE BURNED IN BOILERS
AND INDUSTRIAL FURNACES

Section 726.200 Applicability

- a) The regulations of this Subpart apply to hazardous waste burned or processed in a boiler or industrial furnace (BIF) (as defined in 35 Ill. Adm. Code 720.110) irrespective of the purpose of burning or processing, except as provided by subsections (b), (c), (d), and (f)

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of this Section below. In this Subpart, the term "burn" means burning for energy recovery or destruction or processing for materials recovery or as an ingredient, the emissions standards of Sections 726.204, 726.205, 726.206, and 726.207 apply to facilities operating under interim status or under a RCRA permit, as specified in Sections 726.202 and 726.203.

- b) The following hazardous wastes and facilities are not subject to regulation under this Subpart:
- 1) Used oil burned for energy recovery that is also a hazardous waste solely because it exhibits a characteristic of hazardous waste identified in 35 Ill. Adm. Code 721. Subpart C. Such used oil is subject to regulation under 35 Ill. Adm. Code 739, rather than this Subpart;
 - 2) Gas recovered from hazardous or solid waste landfills, when such gas is burned for energy recovery;
 - 3) Hazardous wastes that are exempt from regulation under 35 Ill. Adm. Code 721.104 and 721.105(a)(3)(C) and (a)(3)(D) 721.106(a)(3)(b) through (e)(3)(f) and hazardous wastes that are subject to the special requirements for conditionally exempt small quantity generators under 35 Ill. Adm. Code 721.105; and
 - 4) Coke ovens, if the only hazardous waste burned is USEPA H-9--BP4 hazardous waste no. K087 decanter tank tar sludge from coking operations.
- c) Owners and operators of smelting, melting, and refining furnaces (including pyrometallurgical devices such as cupolas, sintering machines, roasters, and foundry furnaces, but not including cement kilns, aggregate kilns, or halogen acid furnaces burning hazardous waste) that process hazardous waste solely for metal recovery are conditionally exempt from regulation under this Subpart, except for Sections 726.201 and 726.212.
- 1) To be exempt from Sections 726.202 through 726.211, an owner or operator of a metal recovery furnace or mercury recovery furnace shall comply with the following requirements, except that an owner or operator of a lead or a nickel-chromium recovery furnace or a metal recovery furnace that burns baghouse bags used to capture metallic dust emitted by steel manufacturing, shall comply with the requirements of subsection (c)(3) of this Section below:

- A) Provide a one-time written notice to the Agency indicating the following:
 - i) The owner or operator claims exemption under this subsection;
 - ii) The hazardous waste is burned solely for metal recovery consistent with the provisions of subsection (c)(2) of this Section below;
 - iii) The hazardous waste contains recoverable levels of metals; and
 - iv) The owner or operator will comply with the sampling

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and analysis and recordkeeping requirements of this subsection;

- B) Sample and analyze the hazardous waste and other feedstocks as necessary to comply with the requirements of this subsection under procedures specified by Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111, or alternative methods that meet or exceed the SW-846 method performance capabilities. If SW-846 does not prescribe a method for a particular determination, the owner or operator shall use the best available method; and

- C) Maintain at the facility for at least three years records to document compliance with the provisions of this subsection including limits on levels of toxic organic constituents and Btu value of the waste, and levels of recoverable metals in the hazardous waste compared to normal non-hazardous nonhazardous waste feedstocks.

- 2) A hazardous waste meeting either of the following criteria is not processed solely for metal recovery:

- A) The hazardous waste has a total concentration of organic compounds listed in 35 Ill. Adm. Code 721.124 exceeding 500 ppm by weight, as fired, and so is considered to be burned for destruction. The concentration of organic compounds in a waste as-generated may be reduced to the 500 ppm limit by bona fide treatment that removes or destroys organic constituents. Blending for dilution to meet the 500 ppm limit is prohibited, and documentation that the waste has not been impermissibly diluted must be retained in the records required by subsection (c)(1)(C) of this Section above; or

- B) The hazardous waste has a heating value of 5,000 Btu/lb or more, as-fired, and is so considered to be burned as fuel. The heating value of a waste as-generated may be reduced to below the 5,000 Btu/lb limit by bona fide treatment that removes or destroys organic constituents. Blending for dilution to meet the 5,000 Btu/lb limit is prohibited and documentation that the waste has not been impermissibly diluted must be retained in the records required by subsection (c)(1)(C) of this Section above.

- 3) To be exempt from Sections 726.202 through 726.211, and owner or operator of a lead, nickel-chromium, or mercury recovery furnace or a metal recovery furnace that burns a baghouse waste used to capture metallic dusts emitted by steel manufacturing shall must provide a one-time written notice to the Agency identifying each hazardous waste burned and specifying whether the owner or operator claims an exemption for each waste under this subsection or subsection (c)(1) of this Section above. The owner or operator shall comply with the requirements of subsection (c)(1)

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of this Section above for those wastes claimed to be exempt under that subsection and with the following requirements for those wastes claimed to be exempt under this subsection:

- A) The hazardous wastes listed in Sections 726-Appendices K, L, and M of this Part and baghouse bags used to capture metallic dusts emitted by steel manufacturing are exempt from the requirements of subsection (c)(1) of this Section above, provided that:

- i) A waste listed in Section 726-Appendix K of this Part must contain recoverable levels of lead; a waste listed in Section 726-Appendix L of this Part must contain recoverable levels of nickel or chromium; a waste listed in Section 726-Appendix M of this Part must contain recoverable levels of mercury and contain less than that 500 ppm of 35 Ill. Adm. Code 721.124 Appendix H organic constituents, and baghouse bags used to capture metallic dusts emitted by steel manufacturing must contain recoverable levels of metal;

- ii) The waste does not exhibit the Toxicity Characteristic of 35 Ill. Adm. Code 721.124 for an organic constituent;

- iii) The waste is not a hazardous waste listed in 35 Ill. Adm. Code 721-Subpart D because it is listed for an organic constituent, as identified in 35 Ill. Adm. Code 721.124 Appendix G; and

- iv) The owner or operator certifies in the one-time notice that hazardous waste is burned under the provisions of subsection (c)(3) of this Section above and that sampling and analysis will be conducted or other information will be obtained as necessary to ensure continued compliance with these requirements. Sampling and analysis must be conducted according to subsection (c)(1)(B) of this Section above, and records to document compliance with subsection (c)(3) of this Section above must be kept for at least three years.

- B) The Agency may decide, on a case-by-case basis, that the toxic organic constituents in a material listed in Section 726-Appendix K, 726-Appendix L, or 726-Appendix M of this Part that contains a total concentration of more than 500 ppm toxic organic compounds listed in 35 Ill. Adm. Code 721.124 Appendix H may pose a hazard to human health and the environment when burned in a metal recovery furnace exempt from the requirements of this Subpart. Under these circumstances, after adequate notice and opportunity for comment, the metal recovery furnace will become subject to the requirements of this Subpart when burning that material.

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In making the hazard determination, the Agency shall consider the following factors:

- i) The concentration and toxicity of organic constituents in the material;
 - ii) The level of destruction of toxic organic constituents provided by the furnace; and
 - iii) Whether the acceptable ambient levels established in Section 726.202 of the Interim Status Standards of Section 726.202 or E of this Part will be exceeded for any toxic organic compound that may be emitted based on dispersion modeling to predict the maximum annual average off-site ground level concentration.
- d) The standards for direct transfer operations under Section 726.211 apply only to facilities subject to the permit standards of Section 726.202 or the interim status standards of Section 726.203.
- e) The management standards for residues under Section 726.212 apply to any BIF burning hazardous waste.
- f) Owners and operators of smelting, melting, and refining furnaces (including pyrometallurgical devices such as cupolas, sintering machines, casters, and foundry furnaces) that process hazardous waste for recovery of economically significant amounts of the precious metals gold, silver, platinum, palladium, iridium, osmium, rhodium, ruthenium, or any combination of these metals are conditionally exempt from regulation ~~regulation~~ under this Subpart, except for Section 726.212. To be exempt from Sections 726.202 through 726.211, an owner or operator shall:
- 1) Provide a one-time written notice to the Agency indicating the following:
 - A) The owner or operator claims exemption under this Section,
 - B) The hazardous waste is burned for legitimate recovery of precious metal, and
 - C) The owner or operator will comply with the sampling and analysis and recordkeeping requirements of this Section;
 - 2) Sample and analyze the hazardous waste, as necessary, to document that the waste is burned for recovery of economically significant amounts of precious metal, using procedures specified by Test Methods for Evaluating Solid Waste, Physical/Chemical Methods, SW-846, incorporated by reference in 35 Ill. Adm. Code 720.111, or alternative methods that meet or exceed the SW-846 method performance capabilities. If SW-846 does not prescribe a method for a particular determination, the owner or operator shall use the best available method; and
 - 3) Maintain, at the facility for at least three years, records to document that all hazardous wastes burned are burned for recovery of economically significant amounts of precious metal.
- g) Abbreviations and definitions. The following definitions and abbreviations are used in this Subpart:

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"APCS" means air pollution control system.

"BIF" means boiler or industrial furnace.

"Carcinogenic metals" means arsenic, beryllium, cadmium, and chromium.

"CO" means carbon monoxide.

"Continuous monitor" is a monitor that continuously samples the regulated parameter without interruption, that evaluates the detector response at least once each 15 seconds, and that computes and records the average value at least every 60 seconds.

"DRE" means destruction or removal efficiency.

"cu m" or "m(3)" means cubic meters.

"g" means "ten to the power". For example, "XE-Y" means "X times ten to the -Y power".

"Feed rates" are measured as specified in Section 726.202(e)(6).

"Good engineering practice stack height" is as defined by 40 CFR 51.100(ii), incorporated by reference in 35 Ill. Adm. Code 720.111.

"HC" means hydrocarbon.

"HCl" means hydrogen chloride gas.

"Hourly rolling average" means the arithmetic mean of the 60 most recent one-minute average values recorded by the continuous monitoring system.

"K" means Kelvin.

"kVA" means kilovolt amperes.

"MEI" means maximum exposed individual.

"MEI location" means the point with the maximum annual average off-site (unless on-site is required) ground level concentration.

"Noncarcinogenic metals" means antimony, barium, lead, mercury, thallium, and silver.

"One hour block average" means the arithmetic mean of the one

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minute averages recorded during the 60-minute period beginning at one minute after the beginning of preceding clock hour.

"PIC" means product of incomplete combustion.

"PM" means particulate matter.

"POHC" means principal organic hazardous constituent.

"ppmv" means parts per million by volume.

"QA/QC" means quality assurance and quality control.

"Rolling average for the selected averaging period" means the arithmetic mean of one hour block averages for the averaging period.

"RAC" means reference air concentration, the acceptable ambient level for the noncarcinogenic metals for purposes of this Subpart. RACs are specified in Section 726:Appendix D of this Part.

"RSD" means risk-specific dose, the acceptable ambient level for the carcinogenic metals for purposes of this Subpart. RSDs are specified in Section 726:Appendix E of this Part.

"SSU" means "Saybolt Seconds Universal", a unit of viscosity measured by ASTM D 88-87 or D 2161-87, incorporated by reference in 35 Ill. Adm. Code 720.111.

"TCLP test" means the toxicity characteristic leaching procedure of 35 Ill. Adm. Code 721.124.

"TESH" means terrain-adjusted effective stack height (in meters).

"Tier I". See Section 726.206(b).

"Tier II". See Section 726.206(c).

"Tier III". See Section 726.206(d).

"Toxicity equivalence" is estimated, pursuant to Section 726.204(e), using "Procedures for Estimating the Toxicity Equivalence of Chlorinated Dibenzo-p-dioxin and Dibenzofuran Congeners" in Section 726:Appendix I of this Part.

"ug" means microgram.

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(Source: Amended at 23 Ill. Reg. 94.89, effective Jul 26 1999)

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- 1) Heading of the Part: Standards For Universal Waste Management
- 2) Code citation: 35 Ill. Adm. Code 733
- 3) Section Numbers: 733.106
Proposed Action: Amended
- 4) Statutory authority: 415 ILCS 5/7.2, 22.4, 22.23a, and 27.
- 5) Effective date of amendments: July 26, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Do these amendments contain incorporations by reference? No. Although the existing text of Part 733 includes incorporations by reference, the present amendments do not affect those incorporations.
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the Board's principal office and is available for public inspection.
- 9) Notice of proposal published in Illinois Register: April 23, 1999, 23 Ill. Reg. 5051
- 10) Has JCAR issued a Statement of Objections to these amendments? No
Section 22.4(a) of the Environmental Protection Act (415 ILCS 5/22.4(a)) provides that Section 5 of the Administrative Procedure Act (5 ILCS 100/5-35 and 5-40) shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

11) Differences between proposal and final version:

Section Revised	Source(s) of Revision(s)	Revision(s)
733. table of contents	Board	Added "in R99-15"
733.106 "FIFRA"	JCAR	Changed "U.S.C." to "USC;" deleted section symbols; changed "136- 136y" to "136 through -136y"
733.106 "Pesticide" & Board note	JCAR	Changed "U.S.C." to "USC;" deleted section symbol (three times)

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- 733.106 "Universal waste JCAR
transfer facility"
Added a comma to separate the final element of a series
- 12) Have all the changes agreed upon by the Board and JCAR been made as indicated in the agreements issued by JCAR? Section 22.4(a) of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.
- 13) Will these amendments replace emergency amendments currently in effect? No
- 14) Are there any other amendments pending on this Part? No
- 15) Summary and purpose of amendments: A more detailed description is contained in the Board's opinion and order of June 17, 1999 in docket R99-15, which opinion and order is available from the address below. Section 22.4 of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCAR.

This proceeding updates the Illinois RCRA Subtitle C hazardous waste rules to correspond with amendments adopted by the United States Environmental Protection Agency (USEPA) that appeared in the Federal Register during a single update period. The docket and time period that is involved in this proceeding is the following:

R99-15 Federal RCRA Subtitle C amendments that occurred during the period July 1, 1998, through December 31, 1998.

The R99-15 docket amends rules in Parts 703, 720, 721, 724, 725, 726, 728, and 733. Prior to discussing the specific changes made to this Part, the Board will describe the docket as a whole, since amendments to various Parts may be inter-related. The following table briefly summarizes the federal actions in the update period:

63 Fed. Reg. 37780 (July 14, 1998)	USEPA withdrew segments of a May 6, 1998 direct final rule that drew adverse comment.
63 Fed. Reg. 42109 (August 6, 1998)	USEPA adopted new waste listings and land disposal restrictions (LDRs) for petroleum wastes, including certain exclusions from regulation as hazardous waste.

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63 Fed. Reg. 42580 (August 10, 1998)
USEPA adopted corrections to the May 4, 1998, organobromine production waste rules; the May 26, 1998, Phase IV LDRs; and the June 29, 1998, organobromine waste technical amendments.

63 Fed. Reg. 46331 (August 31, 1998)
USEPA adopted technical amendments to the May 4, 1998, organobromine waste rules.

63 Fed. Reg. 47409 (September 4, 1998)
USEPA changed the effective dates and adopted emergency amendments to the LDRs applicable to several carbamate wastes and waste constituents.

63 Fed. Reg. 48124 (September 9, 1998)
USEPA issued an extension of the Phase IV LDR compliance deadline, until November 26, 1998, for certain limited metal-bearing wastes.

63 Fed. Reg. 51253 (September 24, 1998)
USEPA adopted LDR treatment standards applicable to spent potliners from primary aluminum production.

63 Fed. Reg. 54356 (October 9, 1998)
USEPA changed the compliance deadline of the August 6, 1998 petroleum waste rules until December 8, 1998.

63 Fed. Reg. 56709 (October 22, 1998)
USEPA amended the treatment, storage, and disposal facility standards to allow states to use mechanisms other than permits to approve facility post-closure care plans and to allow the closure of certain units through the corrective action program.

63 Fed. Reg. 64371 (November 19, 1998)
USEPA issued a final decision not to list 14 waste solvents as hazardous waste.

63 Fed. Reg. 65873 (November 30, 1998)
USEPA adopted new remedial action plan (RAP) requirements applicable to the treatment, storage, or disposal of hazardous remediation wastes during cleanup actions.

63 Fed. Reg. 71225 (December 24, 1998)
USEPA adopted corrective and clarifying amendments to the May 11, 1995 (60 Fed. Reg. 25492) universal waste rule. The amendments correct aspects of the standards for spent lead-acid battery management and the definition of small quantity universal waste handler, and they clarify the export

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requirements for destination facilities that are universal waste handlers.

The Board has already taken or does not need to take action based on five sets of these federal RCRA Subtitle C amendments. The Board dealt with the federal action of July 14, August 10 and 31, September 9, and October 9, 1998, in the prior consolidated R98-21/R99-2/R99-7 RCRA Subtitle C and underground injection control (UIC) update docket, adopted on December 17, 1998, and filed with the Secretary of State on January 19, 1999. (The Board made all but one of the federal amendments of August 6, 1998, in the consolidated R98-21/R99-2/R99-7 update docket, but must complete the one minor amendment in this rulemaking.) The Board will not amend the Illinois regulations in response to the federal action of November 19, 1998, where the USEPA determination not to list the wastes as hazardous did not result in an amendment of the federal regulations.

In addition to the federal actions that fall within the timeframes of this docket, the Board is including additional federal actions that occurred later. These additional actions directly impact one or more of the actions that USEPA took within the timeframes that are involved.

64 Fed. Reg. 6806 (February 11, 1999)

USEPA adopted amendments to the exclusions from the definition of hazardous waste that have the effect of deferring regulation of certain materials as hazardous waste until February 13, 2001. The wastes affected are landfill leachate and landfill gas condensate derived from previously-disposed petroleum refining wastes (USEPA hazardous waste codes K169 through K172, originally listed on August 6, 1998 (63 Fed. Reg. 42110), effective February 6, 1999, and adopted by the Board on December 17, 1998, in consolidated update docket R98-21/R99-2/R99-7, effective January 19, 1999).

The Board examined three federal actions that amended the Clean Water Act analytical methods, which are incorporated by reference in 35 Ill. Adm. Code 720.111. The Board updates the incorporation by reference.

63 Fed. Reg. 38756 (July 20, 1998)

USEPA published a correction to 40 C.F.R. 136.3(e) table, as published on July 1, 1997.

63 Fed. Reg. 44146 (August 18, 1998)

USEPA published a correction to 40 C.F.R. 136.3(e) table, as published on July 1, 1997.

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63 Fed. Reg. 50387
(September 21, 1998)

USEPA adopted effluent discharge and wastewater pretreatment standards for the pharmaceutical manufacturing industry sector.

The Board dealt with the federal actions of July 20 and August 18, 1998, in the prior consolidated R98-21/R99-2/R99-7 RCRA subtitle C and underground injection control (UIC) update docket, adopted on December 17, 1998, and filed with the Secretary of State on January 19, 1999. Thus, the Board is acting in this R99-15 docket on the following USEPA amendments:

63 Fed. Reg. 42109
(August 6, 1998)

USEPA adopted new waste listings and land disposal restrictions (LDRs) for petroleum wastes, including certain exclusions from regulation as hazardous waste.

63 Fed. Reg. 47409
(September 4, 1998)

USEPA changed the effective dates and adopted emergency amendments to the LDRs applicable to several carbamate wastes and waste constituents.

63 Fed. Reg. 50387
(September 21, 1998)

USEPA adopted effluent discharge and wastewater pretreatment standards for the pharmaceutical manufacturing industry sector.

63 Fed. Reg. 51253
(September 24, 1998)

USEPA adopted LDR treatment standards applicable to spent potliners from primary aluminum production.

63 Fed. Reg. 56709
(October 22, 1998)

USEPA amended the treatment, storage, and disposal facility standards to allow states to use mechanisms other than permits to approve facility post-closure care plans and to allow the closure of certain units through the corrective action program.

USEPA adopted new remedial action plan (RAP) requirements applicable to the treatment, storage, or disposal of hazardous remediation wastes during cleanup actions.

63 Fed. Reg. 71225
(December 24, 1998)

USEPA adopted corrective and clarifying amendments to the May 11, 1995 (60 Fed. Reg. 25492) universal waste rule. The amendments correct aspects of the standards for spent lead-acid battery management and the definition of small quantity universal waste handler, and they clarify the export requirements for destination facilities that

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are universal waste handlers.

64 Fed. Reg. 6806
(February 11, 1999)

USEPA adopted amendments to the exclusions from the definition of hazardous waste that have the effect of deferring regulation of certain materials as hazardous waste until February 13, 2001. The wastes affected are landfill leachate and landfill gas condensate derived from previously-disposed petroleum refining wastes (USEPA hazardous waste codes K169 through K172, originally listed on August 6, 1998 (63 Fed. Reg. 42110), effective February 6, 1999, and adopted by the Board on December 17, 1998, in consolidated update docket R98-21/R99-2/R99-7, effective January 19, 1999).

Specifically, the amendments to Part 733 implement segments of the Federal December 24, 1998 universal waste rule corrective and clarifying amendments.

Section 22.4 of the Environmental Protection Act provides that Section 5 of the Administrative Procedure Act shall not apply. Because this rulemaking is not subject to Section 5 of the APA, it is not subject to first notice or to second notice review by JCRR.

16) Information and questions regarding these adopted amendments shall be directed to:

Michael J. McCambridge
Attorney
Illinois Pollution Control Board
100 W. Randolph 11-500
Chicago, IL 60601
312-814-6924

Request copies of the Board's opinion and order of June 17, 1999 in docket R99-15 from Patricia Jones, at 312-814-3620.

The full text of the adopted amendments begins on the next page:

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NOTICE OF ADOPTED AMENDMENTS

TITLE 35, ENVIRONMENTAL PROTECTION

SUBTITLE G: WASTE DISPOSAL

CHAPTER I: POLLUTION CONTROL BOARD

SUBCHAPTER C: HAZARDOUS WASTE OPERATING REQUIREMENTS

PART 733

STANDARDS FOR UNIVERSAL WASTE MANAGEMENT

SUBPART A: GENERAL

Section	Scope	Quantity
733.101	Applicability--Batteries	
733.102	Applicability--Pesticides	
733.103	Applicability--Mercury Thermostats	
733.104	Applicability--Household and Conditionally	Exempt
733.105	Generator Waste	Small
733.106	Definitions	
733.107	Applicability--Mercury-Containing Lamps	

SUBPART B: STANDARDS FOR SMALL QUANTITY HANDLERS

Section	Applicability
733.110	Prohibitions
733.111	Notification
733.112	Waste Management
733.113	Labeling and Marking
733.114	Accumulation Time Limits
733.115	Employee Training
733.116	Response to Releases
733.117	Off-Site Shipments
733.118	Tracking Universal Waste Shipments
733.119	Exports
733.120	

SUBPART C: STANDARDS FOR LARGE QUANTITY HANDLERS

Section	Applicability
733.130	Prohibitions
733.131	Notification
733.132	Waste Management
733.133	Labeling and Marking
733.134	Accumulation Time Limits
733.135	Employee Training
733.136	Response to Releases
733.137	Off-Site Shipments
733.138	Tracking Universal Waste Shipments
733.139	

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733.140

Exports

SUBPART D: STANDARDS FOR UNIVERSAL WASTE TRANSPORTERS

Section	Applicability
733.150	Prohibitions
733.151	Waste Management
733.152	Accumulation Time Limits
733.153	Response to Releases
733.154	Off-site Shipments
733.155	Exports
733.156	

SUBPART E: STANDARDS FOR DESTINATION FACILITIES

Section	Applicability
733.160	Off-Site Shipments
733.161	Tracking Universal Waste Shipments
733.162	

SUBPART F: IMPORT REQUIREMENTS

Section	Imports
733.170	

SUBPART G: PETITIONS TO INCLUDE OTHER WASTES

Section	General
733.180	Factors for Petitions to Include Other Wastes
733.181	

AUTHORITY: Implementing Sections 22.4 and 22.23a and authorized by Section 27 of the Environmental Protection Act (415 ILCS 5/22.4, 22.23a, and 27).

SOURCE: Adopted in R95-20 at 20 Ill. Reg. 11291, effective August 1, 1996; amended in R96-10/R97-3/R97-5 at 22 Ill. Reg. 944, effective December 16, 1997; amended in R98-12 at 22 Ill. Reg. 7650, effective April 15, 1998; amended in R99-15 at 23 Ill. Reg. 95-02, effective JUL 26 1999.

SUBPART A: GENERAL

Section 733.106 Definitions

"Battery" means a device consisting of one or more electrically connected electrochemical cells which is designed to receive, store, and deliver electric energy. An electrochemical cell is a system consisting of an anode, cathode, and an electrolyte, plus such connections (electrical and mechanical) as may be needed to allow the

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cell to deliver or receive electrical energy. The term battery also includes an intact, unbroken battery from which the electrolyte has been removed.

"Destination facility" means a facility that treats, disposes of, or recycles a particular category of universal waste, except those management activities described in Sections 733.113(a) and (c) and 733.133(a) and (c). A facility at which a particular category of universal waste is only accumulated is not a destination facility for purposes of managing that category of universal waste.

"Electric lamp" means the bulb or tube portion of a lighting device specifically designed to produce radiant energy, most often in the ultraviolet, visible, and infrared regions of the electromagnetic spectrum.

BOARD NOTE: The definition of "electric lamp" was added pursuant to Section 22.22a of the Act [415 ILCS 5/22.22a] (see P.A. 90-502, effective August 19, 1997).

"FIFRA" means the Federal Insecticide, Fungicide, and Rodenticide Act (7 USC 136-Section 136 through - 136y).

"Generator" means any person, by site, whose act or process produces hazardous waste identified or listed in 35 Ill. Adm. Code 721 or whose act first causes a hazardous waste to become subject to regulation.

"Large quantity handler of universal waste" means a universal waste handler (as defined in this Section) that accumulates 5,000 kilograms or more total of universal waste (batteries, pesticides, thermostats, or mercury-containing lamps, calculated collectively) at any time. This designation as a large quantity handler of universal waste is retained through the end of the calendar year in which 5,000 kilograms or more total of universal waste is accumulated.

BOARD NOTE: Mercury-containing lamps were added pursuant to Section 22.23a of the Act [415 ILCS 5/22.23a] (see P.A. 90-502, effective August 19, 1997).

"Mercury-containing lamp" means an electric lamp into which mercury is purposely introduced by the manufacturer for the operation of the lamp. Mercury-containing lamps include, but are not limited to, fluorescent lamps and high-intensity discharge lamps.

BOARD NOTE: The definition of "mercury-containing lamp" was added pursuant to Section 22.23a of the Act [415 ILCS 5/22.23a] (see P.A. 90-502, effective August 19, 1997).

"On-site" means the same or geographically contiguous property that may be divided by public or private right-of-way, provided that the entrance and exit between the properties is at a cross-roads

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intersection, and access is by crossing as opposed to going along the right of way. Non-contiguous properties, owned by the same person but connected by a right-of-way that that person controls and to which the public does not have access, are also considered on-site property.

"Pesticide" means any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any pest or intended for use as a plant regulator, defoliant, or desiccant, other than any article that fulfills one of the following descriptions:

It is a new animal drug under Section 201(v) of the Federal Food, Drug and Cosmetic Act (FFDCA; 21 USC 321(v)-Section 321(v)), incorporated by reference in Section 720.111,

It is an animal drug that has been determined by regulation of the Federal Secretary of Health and Human Services pursuant to FFDCA Section 360b(j), incorporated by reference in Section 720.111, to be an exempted new animal drug, or

It is an animal feed under FFDCA Section 201(w) (21 USC 321(w)-Section 321(w)), incorporated by reference in Section 720.111 that bears or contains any substances described in either of the two preceding paragraphs of this definition.

BOARD NOTE: The second exception of corresponding 40 CFR 273.6 reads as follows: "Is an animal drug that has been determined by regulation of the Secretary of Health and Human Services not to be a new animal drug". This is very similar to the language of Section 21(u) of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA; 7 USC 136-Section 136(u)). The three exceptions, taken together, appear intended not to include as "pesticide" any material within the scope of Federal Food and Drug Administration regulation. The Board codified this provision with the intent of retaining the same meaning as its federal counterpart while adding the definiteness required under Illinois law.

"Small quantity handler of universal waste" means a universal waste handler (as defined in this Section) that does not accumulate more than 5,000 kilograms or more total of universal waste (batteries, pesticides, thermostats, or mercury-containing lamps, calculated collectively) at any time.

BOARD NOTE: Mercury-containing lamps were added pursuant to Section 22.23a of the Act [415 ILCS 5/22.23a] (see P.A. 90-502, effective August 19, 1997).

"Thermostat" means a temperature control device that contains metallic mercury in an ampule attached to a bimetal sensing element and

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- 1) Heading of the Part: Hospital Licensing Requirements
- 2) Code Citation: 77 Ill. Adm. Code 250
- 3) Section Numbers:
250.330
250.1510
Adopted Action:
Amendment
- 4) Statutory Authority: Implementing and authorized by the Hospital Licensing Act [210 ILCS 85].
- 5) Effective Date of Amendments: August 1, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this rulemaking contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.

- 9) Date Notice of Proposed Rulemaking was Published in the Illinois Register:
March 19, 1999 - 23 Ill. Reg.3306
- 10) Has the Joint Committee on Administrative Rules issued a Statement of Objection to this Rulemaking? No
- 11) Difference Between Proposal and Final Version: Various typographical, grammatical and form changes were made in response to comments from the Joint Committee on Administrative Rules.
- 12) Have all the changes agreed upon by the agency and the Joint Committee been made as indicated in the agreements issued by the Joint Committee? All changes agreed upon by the Department and the Joint Committee been made as indicated in the agreements issued by the Joint Committee.
- 13) Will the rulemaking replace an emergency rule currently in effect? No
- 14) Are there any other amendments pending on this Part? No

- 15) Summary and Purpose of Amendments: This rulemaking deletes a provision for verbal medication and treatment orders to be used only in emergency situations. A requirement that telephone orders be countersigned within 24 hours is being modified to specify that the orders shall be countersigned as soon as practicable pursuant to a hospital policy approved by the medical staff. The amendments also allow a medical record to include entries that are submitted by facsimile machine, provided that the faxed copies are maintained on non-thermal paper and are dated and authenticated

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mercury-containing ampules that have been removed from such a temperature control device in compliance with the requirements of 35 Ill. Adm. Code 733.113(c)(2) or 733.133(c)(2).

"Universal waste" means any of the following hazardous wastes that are subject to the universal waste requirements of this Part:

Batteries, as described in Section 733.102;

Pesticides, as described in Section 733.103;

Thermostats, as described in Section 733.104; and

Mercury-containing lamps, as described in Section 733.107.

BOARD NOTE: Mercury-containing lamps were added as universal waste pursuant to Section 22.23a of the Act [415 ILCS 5/22.23a] (see P.A. 90-502, effective August 19, 1997).

"Universal waste handler" means either of the following:

A generator (as defined in this Section) of universal waste; or

The owner or operator of a facility, including all contiguous property, that receives universal waste from other universal waste handlers, accumulates universal waste, and sends universal waste to another universal waste handler, to a destination facility, or to a foreign destination.

"Universal waste handler" does not mean:

A person that treats (except under the provisions of Section 733.113(a) or (c) or 733.133(a) or (c)), disposes of, or recycles universal waste; or

A person engaged in the off-site transportation of universal waste by air, rail, highway, or water, including a universal waste transfer facility.

"Universal waste transfer facility" means any transportation-related facility including loading docks, parking areas, storage areas, and other similar areas where shipments of universal waste are held during the normal course of transportation for ten days or less.

"Universal waste transporter" means a person engaged in the off-site transportation of universal waste by air, rail, highway, or water.

(Source: Amended at 23 Ill. Reg. **95.02**, effective July 26, 1999)

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- in accordance with a hospital policy on authentication of medical records.
16) Information and questions regarding these adopted amendments shall be directed to:

Gail M. Devito
Administrative Rules Coordinator
Division of Legal Services
535 West Jefferson, Fifth Floor
Springfield, Illinois 62761
(217) 782-2043
(rules@idph.state.il.us).

The full text of the adopted amendments begins on the next page:

DEPARTMENT OF PUBLIC HEALTH
NOTICE OF ADOPTED AMENDMENTS

TITLE 77: PUBLIC HEALTH
CHAPTER I: DEPARTMENT OF PUBLIC HEALTH
SUBCHAPTER B: HOSPITALS AND AMBULATORY CARE FACILITIES

PART 250
HOSPITAL LICENSING REQUIREMENTS

SUBPART A: GENERAL

Section	
250.110	Application for and Issuance of Permit to Establish a Hospital
250.120	Application for and Issuance of a License to Operate a Hospital
250.130	Administration by the Department
250.140	Hearings
250.150	Definitions
250.160	Incorporated and Referenced Materials

SUBPART B: ADMINISTRATION AND PLANNING

Section	
250.210	The Governing Board
250.220	Accounting
250.230	Planning
250.240	Admission and Discharge
250.250	Visiting Rules
250.260	Patients' Rights
250.265	Language Assistance Services
250.270	Manuals of Procedure
250.280	Agreement with Designated Organ Procurement Agencies

SUBPART C: THE MEDICAL STAFF

Section	
250.310	Organization
250.315	House Staff Members
250.320	Admission and Supervision of Patients
250.330	Orders for Medications and Treatments
250.340	Availability for Emergencies

SUBPART D: PERSONNEL SERVICE

Section	
250.410	Organization
250.420	Personnel Records
250.430	Duty Assignments
250.435	Health Care Worker Background Check
250.440	Education Programs
250.450	Personnel Health Requirements

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250.460 Benefits

SUBPART E: LABORATORY

Section Laboratory Services

250.510 Blood and Blood Components

250.520 Designated Blood Donor Program

250.525 Proficiency Survey Program (Repealed)

250.530 Laboratory Personnel (Repealed)

250.540 Western Blot Assay Testing Procedures (Repealed)

250.550

SUBPART F: RADIOLOGICAL SERVICES

Section

250.610 General Diagnostic Procedures and Treatments

250.620 Radioactive Isotopes

250.630 General Policies and Procedures Manual

SUBPART G: GENERAL HOSPITAL EMERGENCY SERVICE

Section

250.710 Classification of Emergency Services

250.720 General Requirements

250.725 Notification of Emergency Personnel

250.730 Community or Area-wide Planning

250.740 Disaster and Mass Casualty Program

250.750 Emergency Services for Sexual Assault Victims

SUBPART H: RESTORATIVE AND REHABILITATION SERVICES

Section

250.810 Applicability of Other Parts of These Requirements

250.820 General

250.830 Classifications of Restorative and Rehabilitation Services

250.840 General Requirements for all Classifications

250.850 Specific Requirements for Comprehensive Physical Rehabilitation Services

250.860 Medical Direction

250.870 Nursing Care

250.880 Additional Allied Health Services

SUBPART I: NURSING SERVICE AND ADMINISTRATION

Section

250.910 Nursing Services

250.920 Organizational Plan

250.930 Role in hospital planning

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250.940

Job descriptions

250.950 Nursing committees

250.960 Specialized nursing services

250.970 Nursing Care Plans

250.980 Nursing Records and Reports

250.990 Unusual Incidents

250.1000 Meetings

250.1010 Education Programs

250.1020 Licensure

250.1030 Policies and Procedures

250.1040 Patient Care Units

250.1050 Equipment for Bedside Care

250.1060 Drug Services on Patient Unit

250.1070 Care of Patients

250.1080 Admission Procedures Affecting Care

250.1090 Sterilization and Processing of Supplies

250.1100 Infection Control

SUBPART J: SURGICAL AND RECOVERY ROOM SERVICES

Section

250.1210 Surgery

250.1220 Surgery Staff

250.1230 Policies & Procedures

250.1240 Surgical Privileges

250.1250 Surgical Emergency Care

250.1260 Operating Room Register

250.1270 Surgical Patients

250.1280 Equipment

250.1290 Safety

250.1300 Operating Room

250.1305 Visitors in Operating Room

250.1310 Cleaning of Operating Room

250.1320 Postoperative Recovery Facilities

SUBPART K: ANESTHESIA SERVICES

Section

250.1410 Anesthesia Service

SUBPART L: RECORDS AND REPORTS

Section

250.1510 Medical Records

250.1520 Reports

SUBPART M: FOOD SERVICE

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Section 250.1610 250.1620 250.1630 250.1640 250.1650 250.1660 250.1670 250.1680	Dietary Department Administration Facilities Menus and Nutritional Adequacy Diet Orders Frequency of Meals Therapeutic (Modified) Diets Food Preparation and Service Sanitation
SUBPART N: HOUSEKEEPING AND LAUNDRY SERVICES	
Section 250.1710 250.1720 250.1730 250.1740 250.1750 250.1760	Housekeeping Garbage, Refuse and Solid Waste Handling and Disposal Insect and Rodent Control Laundry Service Soiled Linen Clean Linen
SUBPART O: MATERNITY AND NEONATAL SERVICE	
Section 250.1810 250.1820 250.1830 250.1840 250.1850 250.1860 250.1870	Applicability of other parts of these regulations Maternity and Neonatal Service (Perinatal Service) General Requirements for all Maternity Departments Discharge of Newborn Infants from Hospital Rooming-In Care of Mother and Infant Special Programs Single Room Maternity Care
SUBPART P: ENGINEERING AND MAINTENANCE OF THE PHYSICAL PLANT, SITE, EQUIPMENT, AND SYSTEMS--HEATING, COOLING, ELECTRICAL, VENTILATION, PLUMBING, WATER, SEWER, AND SOLID WASTE DISPOSAL	
Section 250.1910 250.1920 250.1930 250.1940 250.1950 250.1960 250.1970 250.1980	Maintenance Emergency electric service Water Supply Ventilation, Heating, Air Conditioning, and Air Changing Systems Grounds and Buildings Shall be Maintained Sewage, Garbage, Solid Waste Handling and Disposal Plumbing Fire and Safety
SUBPART Q: CHRONIC DISEASE HOSPITALS	

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Section 250.2010 250.2020	Definition Requirements
SUBPART R: PHARMACY OR DRUG AND MEDICINE SERVICE	
Section 250.2110 250.2120 250.2130 250.2140	Service Requirements Personnel Required Facilities for Services Pharmacy and Therapeutics Committee
SUBPART S: PSYCHIATRIC SERVICES	
Section 250.2210 250.2220 250.2230 250.2240 250.2250 250.2260 250.2270 250.2280 250.2290	Applicability of other parts of these Regulations Establishment of a Psychiatric Service The Medical Staff Nursing Service Allied Health Personnel Staff and Personnel Development and Training Admission, Transfer and Discharge Procedures Care of Patients Special Medical Record Requirements for Psychiatric Hospitals or General Hospitals Psychiatric Units of General Hospitals or General Hospitals Providing Psychiatric Care Diagnostic, Treatment and Physical Facilities and Services
250.2300	
SUBPART T: DESIGN AND CONSTRUCTION STANDARDS	
Section 250.2410 250.2420	Applicability of these Standards Submission of Plans for New Construction, Alterations or Additions to Existing Facility
250.2430	Preparation of Drawings and Specifications -- Submission Requirements
250.2440 250.2450 250.2460 250.2470 250.2480 250.2490 250.2500	General Hospital Standards Details Finishes Structural Mechanical Plumbing and Other Piping Systems Electrical Requirements
SUBPART U: CONSTRUCTION STANDARDS FOR EXISTING HOSPITALS	
Section 250.2610	Applicability of these Standards

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250.2620 Codes and Standards
250.2630 Existing General Hospital Standards
250.2640 Details
250.2650 Finishes
250.2660 Mechanical
250.2670 Plumbing and Other Piping Systems
250.2680 Electrical Requirements

SUBPART V: SPECIAL CARE AND SPECIAL SERVICE UNITS

Section
250.2710 Special Care and/or Special Service Units
250.2720 Day Care for Mildly Ill Children

SUBPART W: ALCOHOLISM AND INTOXICATION TREATMENT SERVICES

Section
250.2810 Applicability of Other Parts of These Requirements
250.2820 Establishment of an Alcoholism and Intoxication Treatment Service
250.2830 Classification and Definitions of Service and Programs
250.2840 General Requirements for all Hospital Alcoholism Program
Classifications
250.2850 The Medical and Professional Staff
250.2860 Medical Records
250.2870 Referral
250.2880 Client Legal and Human Rights

ILLUSTRATION A Seismic Zone Map
APPENDIX A Codes and Standards (Repealed)
EXHIBIT A Codes (Repealed)
EXHIBIT B Standards (Repealed)
EXHIBIT C Addresses of Sources (Repealed)
TABLE A Measurements Essential for Level I, II, III Hospitals
TABLE B Sound Transmission Limitations in General Hospitals
TABLE C Filter Efficiencies for Central Ventilation and Air Conditioning Systems in General Hospitals (Repealed)
TABLE D General Pressure Relationships and Ventilation of Certain Hospital Areas (Repealed)
TABLE E Piping Locations for Oxygen, Vacuum and Medical Compressed Air
TABLE F General Pressure Relationships and Ventilation of Certain Hospital Areas
TABLE G Insulation/Building Perimeter

AUTHORITY: Implementing and authorized by the Hospital Licensing Act [210 ILCS 85].

SOURCE: Rules repealed and new rules adopted August 27, 1978; emergency amendment at 2 Ill. Reg. 31, p. 73, effective July 24, 1978, for a maximum of

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150 days; amended at 2 Ill. Reg. 21, p. 49, effective May 16, 1978; emergency amendment at 2 Ill. Reg. 31, p. 73, effective July 24, 1978, for a maximum of 150 days; amended at 2 Ill. Reg. 45, p. 85, effective November 6, 1978; amended at 3 Ill. Reg. 17, p. 88, effective April 22, 1979; amended at 4 Ill. Reg. 22, p. 233, effective May 20, 1980; amended at 4 Ill. Reg. 25, p. 138, effective June 6, 1980; amended at 5 Ill. Reg. 507, effective December 29, 1980; amended at 6 Ill. Reg. 575, effective December 30, 1981; amended at 6 Ill. Reg. 1655, effective January 27, 1982; amended at 6 Ill. Reg. 3296, effective March 15, 1982; amended at 6 Ill. Reg. 7835 and 7838, effective June 17, 1982; amended at 7 Ill. Reg. 962, effective January 6, 1983; amended at 7 Ill. Reg. 5218 and 5221, effective April 4, 1983 and April 5, 1983; amended at 7 Ill. Reg. 6964, effective May 17, 1983; amended at 7 Ill. Reg. 8546, effective July 12, 1983; amended at 7 Ill. Reg. 9610, effective August 2, 1983; codified at 8 Ill. Reg. 19752; amended at 8 Ill. Reg. 24148, effective November 29, 1984; amended at 9 Ill. Reg. 4802, effective April 1, 1985; amended at 10 Ill. Reg. 11931, effective September 1, 1986; amended at 11 Ill. Reg. 10283, effective July 1, 1987; amended at 11 Ill. Reg. 10642, effective July 1, 1987; amended at 12 Ill. Reg. 15080, effective October 1, 1988; amended at 12 Ill. Reg. 16760, effective October 1, 1988; amended at 13 Ill. Reg. 13232, effective September 1, 1989; amended at 14 Ill. Reg. 2342, effective February 15, 1990; amended at 14 Ill. Reg. 13824, effective September 1, 1990; amended at 15 Ill. Reg. 5328, effective May 1, 1991; amended at 15 Ill. Reg. 13811, effective October 1, 1991; amended at 17 Ill. Reg. 1614, effective January 25, 1993; amended at 17 Ill. Reg. 17225, effective October 1, 1993; amended at 18 Ill. Reg. 11945, effective July 22, 1994; amended at 18 Ill. Reg. 15390, effective October 10, 1994; amended at 19 Ill. Reg. 13355, effective September 15, 1995; emergency amendment at 20 Ill. Reg. 474, effective January 1, 1996, for a maximum of 150 days; emergency expired on May 29, 1996; amended at 20 Ill. Reg. 3234, effective February 15, 1996; amended at 20 Ill. Reg. 10009, effective July 15, 1996; amended at 22 Ill. Reg. 3932, effective February 13, 1998; amended at 22 Ill. Reg. 9342, effective May 20, 1998; amended at 23 Ill. Reg. 1007, effective January 15, 1999; emergency amendment at 23 Ill. Reg. 3508, effective March 4, 1999, for a maximum of 150 days; amended at 23 Ill. Reg. 9502, effective AUG-1-1999.

SUBPART C: THE MEDICAL STAFF

Section 250.330 Orders for Medications and Treatments

- a) No medication, or treatment or diagnostic test shall be administered to a patient except on the written order of a member of the medical staff or a house staff member under the supervision of a member of the medical staff. Verbal orders shall be used in emergency situations only--and signed before the member of the medical staff or the house staff member leaves the area. Telephone orders shall be used sparingly and countersigned as soon as practicable pursuant to a hospital policy approved by the medical staff, within 24 hours.
- b) Members of the Medical Staff and house staff members shall give orders

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- for medication and treatment only to the licensed, registered or certified professional persons who are authorized by law to administer or dispense the medication or treatment in the course of practicing their identified specific discipline.
- c) The medical directors of the laboratory, radiology or other diagnostic services may respectively authorize the performance of diagnostic tests and procedures at the request of other than members of the medical staff in accordance with policies approved by the medical staff and Board.
- d) The medical director of the physical therapy or rehabilitation department may authorize the provision of physical therapy or rehabilitation services or treatments at the request of other than members of the medical staff in accordance with policies approved by the medical staff and Board.

(Source: Amended at 23 Ill. Reg. -- 9513 effective
April - 1999)

SUBPART I: RECORDS AND REPORTS

Section 250.1510 Medical Records

- a) Facilities
- 1) Suitable medical record facilities, with adequate supplies and equipment, shall be maintained by the hospital.
 - 2) Medical ~~Provision--shall be made for the safe storage of medical records shall be stored safely.~~ Medical ~~files shall be deemed to mean that medical records are to be handled in such manner as to assure safety from water seepage or fire damage and are to be safeguarded from unauthorized use.~~
- b) Organization
- 1) Responsible Personnel
 - A) It is recommended that a qualified medical record practitioner (registered medical record administrator or accredited medical record technician) be employed as the director of the medical records department.
 - B) The director of the medical records department shall participate in educational programs relative to medical record activities, in on-the-job training and orientation of other medical record personnel and in-service medical record educational programs. Professional consultation services should be provided for the medical record practitioner.
 - 2) An ~~For each patient there shall be an~~ adequate, accurate, timely, and complete medical record shall be maintained for each patient. Minimum requirements for medical record content are as follows:
 - A) patient identification and admission information;
 - B) history of patient as to chief complaints, present illness and pertinent past history, family history, and social

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- history;
- C) physical examination report;
 - D) provisional diagnosis;
 - E) diagnostic and therapeutic reports on laboratory test results, x-ray findings, any surgical procedure performed, any pathological examination, any consultation, and any other diagnostic or therapeutic procedure performed;
 - F) orders and progress notes made by the attending physician and when applicable by other members of the medical staff and allied health personnel;
 - G) observation notes and vital sign charting made by nursing personnel; and
 - H) conclusions as to the primary and any associated diagnoses, brief clinical resume, disposition at discharge to include instructions and/or medications and any autopsy findings on a hospital death.
- 3) For record requirements pertaining to maternity patients and newborn infants, see Section 250.1830(i).
- 4) A committee of the organized medical staff shall be responsible for reviewing medical records to ensure adequate documentation, completeness, promptness, and clinical pertinence.
- 5) Requirements for the completion of medical records and for the retention period for medical records shall be established. It is recommended that definite policies and procedures pertaining to the use of medical records and the release of medical record information be issued and that discharge diagnoses be expressed in acceptable terminology of a recognized disease nomenclature.
- c) Authentication of Medical Record Entries
- 1) All entries into the medical record shall be authenticated by the individual who made or authorized the entry. "Authentication," for purposes of this Section, means identification of the author of a medical record entry by that author, and confirmation that the contents are what the author intended. All notes, orders or observations made by direct patient care providers and any other individuals required to make such entries in the medical record, and written interpretive reports of diagnostic tests or specific treatments including, but not limited to, radiologic or electrocardiographic reports, operative reports, reports of pathologic examination of tissue and other similar reports. The medical record may include entries that are transmitted by facsimile machine, provided that the faxed copies will be maintained on non-thermal paper and that the faxed copies will be dated and authenticated in accordance with hospital policy approved by the medical staff.
 - 3) Written signatures or initials and electronic signatures or computer-generated signature codes are acceptable as authentication. All signatures or initials, whether written,

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- electronic, or computer-generated, shall include the initials of the signer's credentials.
- 4) In order for a hospital to employ electronic signatures or computer-generated signature codes for authentication purposes, the hospital's Medical Staff Meeting Staff and board must adopt a policy that permits authentication by electronic or computer-generated signature. The policy shall identify those categories of the medical staff, allied health staff or other personnel within the hospital who are authorized to authenticate patient records using electronic or computer-generated signatures.
 - 5) At a minimum, the policy shall include adequate safeguards to ensure confidentiality, including, but not limited to, the following:
 - A) Each user must be assigned a unique identifier that is generated through a confidential access code.
 - B) The hospital must certify in writing that each identifier is kept strictly confidential. This certification must include a commitment to terminate a user's use of a particular identifier if it is found that the identifier has been misused. "Misused" shall mean that the user has allowed another person or persons to use his or her personally assigned identifier, or that the identifier has otherwise been inappropriately used.
 - C) The user must certify in writing that he or she is the only person with user access to the identifier and the only person authorized to use the signature code.
 - D) The hospital must monitor the use of identifiers periodically and take corrective action as needed. The process by which the hospital will conduct the monitoring shall be described in the policy.
 - 6) A system employing the use of electronic signatures or computer-generated signature codes for authentication shall include a verification process to ensure that the content of authenticated entries is accurate. The verification process shall include, at a minimum, the following provisions:
 - A) The system shall require completion of certain designated fields for each type of document before the document may be authenticated, with no blanks, gaps or obvious contradictory statements appearing within those designated fields. The system shall also require that correction or supplementation of previously authenticated entries shall be made by additional entries, separately authenticated and made subsequent in time to the original entry.
 - B) The system must make an opportunity available to the user to verify that the document is accurate and that the signature has been properly recorded.
 - C) The hospital must, as part of its quality assurance

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- activities, periodically sample records generated by the system to verify the accuracy and integrity of the system.
- 7) A user may terminate authorization for use of electronic or computer-generated signature upon written notice to the Director of Medical Records or other person designated by the hospital's policy.
 - 8) Each report generated by a user must be separately authenticated.
 - d) Indexing
 - 1) A patient index that which serves as a key to the location of the medical record of each person who is or has been an inpatient shall be maintained as a perpetual master index, using either a card index or a computer facility system. A daily register of patients admitted to the hospital and babies born in the hospital shall be maintained.
 - 2) Medical records shall be classified and indexed according to diagnoses, surgical procedures, and physician, and other indices shall be developed as deemed necessary for the advancement of medical care.
 - 3) It is recommended that the latest edition of the "International Classification of Diseases," or an adaptation thereof, be used as the statistical classification for purposes of uniformity and comparability of data between and among hospitals.
 - e) Preservation
 - 1) All original medical records or photographs of such records shall be preserved in accordance with a hospital policy based on American Hospital Association recommendations and legal opinion.
 - 2) The hospital shall have a policy for the preservation of patient medical records in the event of the closure of the hospital.

(Source: Amended at 23 Ill. Reg. **95-13**, effective Aug - 1999)

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- 1) Heading of the Part: Retailers' Occupation Tax
- 2) Code Citation: 86 Ill. Adm. Code 130
- 3) Section Numbers:
130.351
Adopted Action:
New Section
- 4) Statutory Authority: 35 ILCS 120/2-7
- 5) Effective Date of Amendment(s): July 29, 1999
- 6) Does this rulemaking contain an automatic repeal date? No
- 7) Does this amendment contain incorporations by reference? No
- 8) A copy of the adopted amendment, including any material incorporated by reference, is on file in the agency's principal office and is available for public inspection.
- 9) Notice of Proposal Published in Illinois Register: August 28, 1998, 22 Ill. Reg. 15533
- 10) Has JCAR issued a Statement of Objections to these amendments? No
- 11) Differences between proposal and final version: The only changes made were the ones agreed upon with JCAR. The changes made were grammar and punctuation or technical. No substantive changes were made.
- 12) Have all the changes agreed upon by the agency and JCAR been made as indicated in the agreement letter issued by JCAR? Yes
- 13) Will this amendment replace an emergency amendment currently in effect?
No
- 14) Are there any amendments pending on this Part? Yes

- | Section Numbers | Proposed Action | Ill Register Citation |
|-----------------|-----------------|----------------------------|
| 130.605 | Amendment | 4/30/99, 23 Ill. Reg. 5224 |
- 15) Summary and Purpose of Amendments: This rulemaking explains the Aggregate Manufacturing Exemption by giving examples of exempt and non-exempt activities and equipment. The rule also defines terms and sets forth purchaser certification requirements. Further, sales to a lessor of such equipment is also discussed.
 - 16) Information and questions regarding this adopted amendment shall be directed to:

DEPARTMENT OF REVENUE

NOTICE OF ADOPTED AMENDMENTS

Melanie Jarvis
Associate Counsel
Illinois Department of Revenue
Legal Services Office
101 West Jefferson
Springfield, Illinois 62794
217/782-6996

The full text of the adopted amendment begins on the next page:

ILLINOIS REGISTER		9528	9529
ILLINOIS REGISTER		99	99
DEPARTMENT OF REVENUE		DEPARTMENT OF REVENUE	
NOTICE OF ADOPTED AMENDMENTS		NOTICE OF ADOPTED AMENDMENTS	
TITLE 86: REVENUE		PURCHASER	
CHAPTER 1: DEPARTMENT OF REVENUE		Cost of Doing Business Not Deductible	
PART 130		130.410	
RETAILERS' OCCUPATION TAX		Transportation and Delivery Charges	
SUBPART A: NATURE OF TAX		130.415	
Character and Rate of Tax		Finance or Interest Charges--Penalties--Discounts	
Responsibility of Trustees, Receivers, Executors or Administrators		130.420	
Occasional Sales		Traded-In Property	
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 ILLUSTRATION A: Examples of Tax Exemption Cards
 AUTHORITY: Implementing the Illinois Retailers' Occupation Tax Act [35 ILCS 1201 and authorized by Section 39b3 of the Civil Administrative Code of Illinois [20 ILCS 2505/39b3]].
 SOURCE: Adopted July 1, 1933; amended at 2 ill. Reg. 50, p. 71, effective December 10, 1978; amended at 3 ill. Reg. 12, p. 4, effective March 19, 1979; amended at 3 ill. Reg. 13, pp. 93 and 95, effective March 25, 1979; amended at 3 ill. Reg. 23, p. 164, effective June 3, 1979; amended at 3 ill. Reg. 25, p. 229, effective June 17, 1979; amended at 3 ill. Reg. 44, p. 193, effective October 19, 1979; amended at 3 ill. Reg. 46, p. 52, effective November 2, 1979; amended at 4 ill. Reg. 24, pp. 520, 539, 564 and 571, effective June 1, 1980; amended at 5 ill. Reg. 818, effective January 2, 1981; amended at 5 ill. Reg. 3014, effective March 11, 1981; amended at 5 ill. Reg. 12782, effective November 2, 1981; amended at 6 ill. Reg. 2860, effective March 3, 1982; amended at 6 ill. Reg. 6780, effective May 24, 1982; codified at 6 ill. Reg. 8222; recodified at 6 ill. Reg. 8999; amended at 6 ill. Reg. 15225, effective December 3, 1982; amended at 7 ill. Reg. 7990, effective June 15, 1983; amended

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at 8 Ill. Reg. 5319, effective April 11, 1984; amended at 8 Ill. Reg. 19062, effective September 26, 1984; amended at 10 Ill. Reg. 1937, effective January 10, 1986; amended at 10 Ill. Reg. 12067, effective July 1, 1986; amended at 10 Ill. Reg. 19538, effective November 5, 1986; amended at 10 Ill. Reg. 19772, effective November 5, 1986; amended at 11 Ill. Reg. 4325, effective March 2, 1987; amended at 11 Ill. Reg. 6252, effective March 20, 1987; amended at 11 Ill. Reg. 18284, effective October 27, 1987; amended at 11 Ill. Reg. 18767, effective October 28, 1987; amended at 11 Ill. Reg. 19138, effective October 29, 1987; amended at 11 Ill. Reg. 19696, effective November 23, 1987; amended at 12 Ill. Reg. 5652, effective March 15, 1988; emergency amendment at 12 Ill. Reg. 14401, effective September 1, 1988, for a maximum of 150 days, modified in response to an objection of the Joint Committee on Administrative Rules at 12 Ill. Reg. 19531, effective November 4, 1988, not to exceed the 150 day time limit of the original rulemaking; emergency expired January 29, 1989; amended at 13 Ill. Reg. 11824, effective June 29, 1989; amended at 14 Ill. Reg. 241, effective December 21, 1989; amended at 14 Ill. Reg. 872, effective January 1, 1990; amended at 14 Ill. Reg. 15463, effective September 10, 1990; amended at 14 Ill. Reg. 16028, effective September 18, 1990; amended at 15 Ill. Reg. 6621, effective April 17, 1991; amended at 15 Ill. Reg. 13542, effective August 30, 1991; amended at 15 Ill. Reg. 15757, effective October 15, 1991; amended at 16 Ill. Reg. 1642, effective January 13, 1992; amended at 17 Ill. Reg. 860, effective January 11, 1993; amended at 17 Ill. Reg. 18142, effective October 4, 1993; amended at 17 Ill. Reg. 19651, effective November 2, 1993; amended at 18 Ill. Reg. 1537, effective January 13, 1994; amended at 18 Ill. Reg. 16866, effective November 7, 1994; amended at 19 Ill. Reg. 13446, effective September 12, 1995; amended at 19 Ill. Reg. 13568, effective September 11, 1995; amended at 20 Ill. Reg. 4428, effective March 4, 1996; amended at 20 Ill. Reg. 5366, effective March 26, 1996; amended at 20 Ill. Reg. 6991, effective May 7, 1996; amended at 20 Ill. Reg. 9116, effective July 2, 1996; amended at 20 Ill. Reg. 15753, effective December 2, 1996; expedited correction at 21 Ill. Reg. 4052, effective December 2, 1996; amended at 20 Ill. Reg. 16200, effective December 16, 1996; amended at 21 Ill. Reg. 12211, effective August 26, 1997; amended at 22 Ill. Reg. 3097, effective January 27, 1998; amended at 22 Ill. Reg. 11874, effective June 29, 1998; amended at 22 Ill. Reg. 19919, effective October 28, 1998; amended at 22 Ill. Reg. 21642, effective November 30, 1998; amended at 23 Ill. Reg. 9526, effective July 29, 1999.

SUBPART C: CERTAIN STATUTORY EXEMPTIONS

Section 130.351 Aggregate Manufacturing

a) General. Notwithstanding the fact that the sales may be at retail, the Retailers' Occupation Tax Act does not apply to sales of aggregate exploration, mining, off highway hauling, processing, maintenance and reclamation equipment used for the exploration and mining of mineral deposits and for the manufacture of resultant aggregate products. The exemption also applies to individual replacement parts for aggregate

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- exploration, mining, off highway hauling, processing, maintenance and reclamation equipment. The exemption also applies to equipment and replacement parts purchased for lease if those items are used primarily (more than 50%) in the activities noted above. The exemption does not apply to motor vehicles required to be registered pursuant to the Illinois Vehicle Code [625 ICS 5].
- 1) "Aggregate" shall mean any mineral deposit or finished product including but not limited to sand, gravel, stone, clay, industrial minerals, composites or other mineral solids, except coal.
 - 2) This exemption applies only to equipment used primarily in aggregate exploration, mining, off highway hauling, processing, maintenance and reclamation. Use of the equipment in any other exploration, mining, off highway hauling, processing, maintenance or reclamation will not qualify for this exemption. Excluded from this reduction are motor vehicles required to be registered pursuant to the Illinois Vehicle Code. Special mobile equipment other than motor vehicles may qualify for the exemption if it is used primarily in aggregate exploration, mining, off highway hauling, processing, maintenance or reclamation. This exemption does not include supplies (such as chemicals, rust inhibitors, adhesives and explosives), coolants, lubricants, items of personal apparel (such as gloves, shoes, hats, helmets, coveralls, masks, mask air filters, belts, harnesses or holsters) or fuel of any type.
 - 3) "Aggregate Exploration" means the search for aggregate. Exploration includes, but is not limited to, excavating, dredging, and drilling to locate aggregate deposits.
 - 4) "Mining" means the extraction of aggregate from the earth by underground and surface mining and includes the extraction of aggregate by the mine owner or operator or his nonpurchaser successors from the waste or residue of prior mining.
 - 5) "Off Highway Hauling" means carrying or transporting and would include transport of overburden or waste material, including byproduct materials from the processing facility for disposal and aggregate from the aggregate deposit to the processing facility by conveyors or unlicensed vehicles.
 - 6) "Processing" means preparation activities performed directly on the aggregate that are necessary for converting aggregate into a finished product so that it is ready for sale. Processing includes, but is not limited to, sizing, crushing, drying and washing.
 - 7) "Maintenance" means keeping aggregate exploration, mining, off highway hauling, processing, maintenance and reclamation equipment in a state of repair and efficiency.
 - 8) "Reclamation" means conditioning areas affected by mining operations. Examples of reclamation activities include, but are not limited to, backfilling, grading, seeding and planting.

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- 9) "Replacement Parts" means parts that are used to replace parts of qualifying equipment that require periodic replacement. To be considered a replacement part, the part must be purchased for the purpose of being installed and must, in fact, become a physical component part of aggregate exploration, mining, off highway hauling, processing, maintenance or reclamation equipment.
- 10) "Kits" means commercially packaged sets of parts that are ordered from a manufacturer, inventoried, and sold by a retailer as a single item. An exempt example would be a "tire assembly" comprised of the rim, tire, foam filling and valve stem.
- b) Exempt Activities. By way of illustration and not limitation, the following activities will be considered to constitute aggregate exploration, mining, off highway hauling, processing or maintenance:
- 1) Aggregate is produced in a surface mining operation that begins with the clearing of surface obstacles and overburden from the land above the aggregate deposit to be mined, continues with the removal of waste material and with the extraction of the aggregate, continues with the transportation from the aggregate deposit to the processing facility, continues further with the refilling and grading of the mined area with overburden and waste material, continues further with the processing of the aggregate, and ends with the stockpiling of the aggregate. By way of illustration and not limitation, the following equipment is exempt:
- A) Equipment used to drill and load holes for blasting material used to fracture aggregate for extraction and to transport the blasting material.
- B) Equipment used to remove overburden and other waste materials from the deposit to be mined.
- C) Equipment used to modify the energy purchased for the surface mining process if the equipment is used to modify the energy for use on exempt equipment.
- D) Pumps, hoses, piping and discharge apparatus, used in the movement or removal of water or to divert water from the active mine area.
- E) Equipment used to load the overburden, waste material or aggregate to be transported to the processing facility into off highway haulage trucks or onto a conveyor system.
- F) Equipment used to extract aggregate from the earth.
- G) Unlicensed off highway haulage trucks or a conveyor system to transport overburden, waste material or aggregate to the processing facility.
- H) Equipment used to backfill, grade, seed, plant or otherwise reclaim previously mined land.
- I) Crushing, screening and other equipment used to beneficiate and size aggregate products.
- J) Tangible personal property used in or for the purpose of temporarily storing aggregate before processing is exempt if

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- the aggregate is ultimately processed for resale and is in fact resold.
- K) Equipment used in an aggregate wash plant to clean the aggregate prior to sale to customers.
- L) Equipment used to blend different grades of aggregate together so that the final product meets customer specifications.
- M) Electrical cable that is part of an electrical distribution system supplying electricity to exempt equipment in the field.
- 2) Aggregate is produced in an underground mining operation that begins with creating access from the surface to the aggregate deposit to be mined, continues further with the installation of the supports, continues with the removal of waste material and the extraction of aggregate, continues further with the transportation from the aggregate deposit to the processing facility, continues further with the processing of aggregate and disposal of waste material from the mine and processing facility, and ends with the stockpiling of aggregate. By way of illustration and not limitation, the following equipment is exempt:
- A) Equipment used to create access to the aggregate deposit and load aggregate into conveyor belts, trucks or other conveyances used to transport aggregate from the deposit to the processing operation.
- B) Conveyor belts, trucks or other conveyances used to transport aggregate from the deposit to the processing operation.
- C) The feeder and crusher used to break large pieces of aggregate.
- D) Equipment used to modify the energy purchased for the underground mining process if the equipment is used to modify the energy for use on exempt equipment.
- E) Pumps, hoses, piping and discharge apparatus, used in the movement or removal of water or to divert water from the underground mine area.
- F) Equipment used to install roof bolt supports and side rib bolt supports, and scaling prior to roof bolting, to prevent mine collapse.
- G) Equipment used to coat mine walls with inert material for loose rock safety.
- H) Equipment installed as improvements to real estate for mining, such as elevators and rail, ventilating and illuminating systems.
- I) Additions to exempt underground rail conveyors and ventilating and illumination systems due to the progression of mining.
- J) Equipment used to drill and load holes for blasting material

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used to fracture aggregate for extraction and to transport the blasting material.

K) Equipment used for transporting aggregate to above-ground facilities.

L) Tangible personal property used in or for the purpose of temporarily storing aggregate before processing if the aggregate is ultimately processed for resale and is in fact resold.

M) Equipment used in an aggregate wash plant to clean the aggregate prior to sale to customers.

N) Equipment used to blend different grades of aggregate together so that the final product meets customer specifications.

O) Electrical cable that is part of an electrical distribution system supplying electricity to exempt equipment in the field.

3) By way of illustration and not limitation, the following maintenance equipment is exempt:

A) Unlicensed maintenance and welding trucks used for field repair of exempt equipment.

B) Lathes, drill presses, air compressors and welders used to attach repair parts.

C) Mobile and overhead cranes.

D) Equipment used for dust suppression.

4) By way of illustration and not limitation, the following aggregate exploration equipment is exempt unless registered pursuant to the Illinois Vehicle Code:

A) Drill rigs used to drill exploration core holes.

B) Water trucks used in the drilling process.

C) Winch and casing trucks used in the drilling process.

D) Field maintenance trucks used to make repairs on field equipment.

E) Air compressors.

c) Nonexempt Activities

By way of illustration and not limitation, the following activities will not be considered to constitute aggregate exploration, mining, off highway hauling, processing or maintenance:

1) The use of equipment in the construction, reconstruction, alteration, remodeling, servicing, repairing, maintenance or improvement of real estate except for underground mine structures. Material, such as lumber, steel, concrete, rock and other building materials, will not qualify for the exemption except when used in underground mine structures;

2) The use of equipment in research and development for new uses of aggregate;

3) The use of equipment, trailers, sheds or structures in management, sales or other nonproduction, nonoperational activities including production of extraction scheduling,

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purchasing, receiving, accounting, fiscal management, communications, security, marketing, product exhibition and promotion, and personnel recruitment, selection or training; the use of equipment to prevent or fight fires or other mining hazards and protective supplies such as face masks, gas masks, helmets, gloves, coveralls, goggles, or first aid equipment and supplies, even though such equipment and supplies may be required by law;

5) the use of equipment for general ventilation, heating, cooling, climate control or general illumination not specifically required for the exploration, mining, off highway hauling, processing, maintenance of reclamation operation;

6) facilities for storing aggregate after extraction and processing; front-end loaders, cranes and equipment used to load aggregate onto trucks, railcars or barges for delivery to customers;

8) Equipment primarily used to produce aggregate for either internal consumption or any other nonexempt use, and equipment primarily leased to produce aggregate for either internal consumption or any other nonexempt use, will not be eligible to claim the exemption.

d) Sales to Lessors of Aggregate Exploration, Mining, Off Highway Hauling, Processing, Maintenance and Reclamation Equipment

1) For the exemption to apply, the purchaser need not, himself, employ the equipment in aggregate exploration, mining, off highway hauling, processing, maintenance or production. If the purchaser leases the equipment to a lessee who uses it primarily in a qualified manner, the sale to the purchaser-lessee will be eligible for the exemption. A supplier may exclude such sales from his taxable gross receipts if the purchaser-lessee provides him with a properly completed certificate and the information contained therein would support a reduction if the sale were made directly to the lessee.

2) Should a purchaser-lessee subsequently lease the equipment to a lessee who does not use it primarily in a way that would qualify for the reduction, the purchaser-lessee will become liable for the tax that he previously did not pay. The tax will be assessed upon the fair market value of the equipment at the time of conversion.

e) Purchaser Certification

Certificates must be executed by the purchaser. The certificate must include the seller's name and address, the purchaser's name and address and a statement that the property purchased will be used primarily for aggregate exploration, mining, off highway hauling, processing, maintenance or reclamation. Sellers may accept blanket certificates, but have the responsibility to obtain and keep all certificates as part of their books and records. If a retailer accepts the certificate and the purchaser does not, in fact, use the equipment in a qualifying manner, the purchaser will be liable to the

DEPARTMENT OF REVENUE

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Department for the tax. Equipment that is initially used primarily in a qualifying manner and, having been so used for less than one-half of its useful life, is converted to nonqualified uses, will become subject to tax at the time of conversion. Replacement parts purchased initially for use in a qualifying manner and used in a nonqualifying use will become subject to tax at the time of use.

(Source: Added at 23 Ill. Reg. 95 2 6, effective July 29 1999)

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NOTICE OF EMERGENCY AMENDMENTS

- 1) Heading of the Part: Cigarette Tax Act
- 2) Code Citation: 86 Ill. Adm. Code 440
- 3) Section Numbers:
440.50
Emergency Action:
Amendment
- 4) Statutory Authority: 35 ILCS 130
- 5) Effective Date of Amendment: July 29, 1999
- 6) If this emergency amendment is to expire before the end of the 150-day period, please specify the date on which it is to expire: N/A
- 7) Date Filed with the Index Department: July 29, 1999
- 8) A copy of the Emergency Amendment is on file in the Department's principal office and is available for public inspection.
- 9) Reason for Emergency: The amended provisions of 35 ILCS 130 were enacted into law on July 22, 1999 and are effective July 22, 1999. In order to implement and administer these provisions, rules are necessary to inform distributors and retailers that after a specific time allowed for them to turn over their inventories of pre-stamped cigarettes, any packages of cigarettes found in their possession that do not meet the new stamping requirements of the statute will be presumed to be stamped in violation of the law. The inventory turn-over time is short; therefore the rules need to be in place as quickly as possible.
- 10) A Complete Description of the Subjects and Issues Involved: P.A. 91-0246 was signed into law and became effective July 22, 1999. That legislation requires that no revenue tax stamps or imprints may be affixed to a cigarette package unless the package complies with the Federal Cigarette Labeling and Advertising Act, 15 USC 1331 and following. It also provides that no revenue tax stamps may be affixed to a package of cigarettes, cigarette papers, wrappers, or tubes if the package has been marked for export outside the United States with a label or notice in compliance with Title 27, Section 290.185 of the Code of Federal Regulations. Violators of the provisions shall have their distributor license revoked under the authority of Section 6 of the Cigarette Tax Act. The Department interprets the statute to allow distributors and retailers to turn over their inventories of pre-stamped cigarettes without violating the law. Based upon normal inventory turn over times provided by the Illinois Tobacco and Candy Distributors Association, the Department is creating, by rule, a rebuttable presumption that after August 15, 1999, all improperly stamped cigarettes in the possession of a distributor were stamped in violation of the Act and, after September 1, 1999, all improperly stamped cigarettes found in the possession of a retailer were stamped, by the distributor

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NOTICE OF EMERGENCY AMENDMENTS

TITLE 86: REVENUE

CHAPTER 1: DEPARTMENT OF REVENUE

from whom obtained, in violation of the law.

11) Are there any proposed amendments to this Part Pending? No

12) Statement of Statewide Policy Objectives: This emergency rulemaking neither imposes a State mandate, nor modifies an existing mandate.

13) Information and questions regarding these amendments shall be directed to:

Martha Note
Associate Counsel
Illinois Department of Revenue
Legal Services Office - Room 5-500
101 West Jefferson
Springfield, Illinois 62794
(217) 782-6996

The full text of the Emergency Amendments begins on the next page:

DEPARTMENT OF REVENUE

NOTICE OF EMERGENCY AMENDMENTS

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The full text of the Emergency Amendments begins on the next page:

PART 440

CIGARETTE TAX ACT

Section	Nature and Rate of Tax
440.10	Tax--How Paid
440.20	Tax--Who Liable For
440.30	Design
440.40	Tax Stamps--When and By Whom Affixed: License or Permit Required
440.50	Tax Stamps--How Affixed
440.60	Tax Stamps--Affixed Out of State
440.70	Transporter Permits
440.80	Tax Stamps--Purchase of: Cost: Discount
440.90	Returns Required: When Filled
440.100	Books and Records: Examination: Preservation
440.110	Unused Stamps and Meter Units: Sale of: Notice to Department
440.120	Mutilated Stamps
440.130	Tax Meters (Repealed)
440.140	Tax Meter Machine Settings (Repealed)
440.150	Vending Machines
440.160	Sales Out of Illinois
440.170	Sales to Governmental Bodies
440.180	Sample Packages of Cigarettes: Stamps or Other Evidence of Tax
440.190	Payment Affixed
440.200	Claim for Replacement
440.210	Sale of Forfeited Cigarettes and Vending Machines
440.220	Tax-Free Sales of Cigarettes for Use Aboard Ships Operating in Foreign Commerce Outside The Continental Limits of the United States
440.230	Claims for Credit or Refund

AUTHORITY: Implementing and authorized by the Cigarette Tax Act [35 ILCS 130].

SOURCE: Filed and effective June 17, 1958; amended at 6 Ill. Reg. 2831 and 2834, effective March 3, 1982; codified at 8 Ill. Reg. 17912; amended at 13 Ill. Reg. 10678, effective June 16, 1989; amended at 14 Ill. Reg. 6794, effective April 19, 1990; amended at 15 Ill. Reg. 117, effective December 24, 1990; emergency amendment at 23 Ill. Reg. 9541, effective July 29, 1999, for a maximum of 150 days.

Section 440.50 Tax Stamps--When and By Whom Affixed: License or Permit Required
EMERGENCY

a) The Department, or any person authorized by the Department, will sell

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tax stamps only to licensed distributors. It shall be unlawful for any person to engage in the business as a distributor of cigarettes in this State without first having obtained a license or permit therefor from the Department. Application for a distributor's license shall be made to the Department in form as furnished and prescribed by the said Department and shall be accompanied by a joint and several bond in the amount of \$2,500.00. Except when the applicant is the manufacturer, no distributor's license shall be issued to an applicant unless he presents the Department with satisfactory proof in writing that he will be able to buy cigarettes directly from at least 3 major cigarette manufacturers. Each licensed place of business shall be covered by a separate license.

b) The annual license fee payable to the Department for each distributor's license shall be \$250.00. The purpose of such annual license fee is to defray the cost, to the Department, of coding, serializing or coding and serializing cigarette tax stamps. Each applicant for license shall pay such fee to the Department at the time of submitting his application for license to the Department.

c) All licenses issued by the Department under the Cigarette Tax Act shall be valid for not to exceed one year after issuance unless sooner revoked, canceled or suspended as in the Act provided.

d) The Department may, in its discretion, upon application, issue permits authorizing the payment of the tax imposed by the Act by out-of-State cigarette manufacturers who are not required to be licensed as distributors of cigarettes in this State, but who elect to qualify under the Act as distributors of cigarettes in this State, and who, to the satisfaction of the Department, furnish adequate security to insure payment of the tax, provided that any such permit shall extend only to cigarettes which such permittee-manufacturer places in original packages that are contained inside a sealed transparent wrapper.

e) All permits issued by the Department under the Cigarette Tax Act shall be valid for not to exceed one year after issuance unless sooner revoked, canceled or suspended as in the Act provided.

f) The following are ineligible to receive a distributor's license or permit under this Act:

- 1) A person who is not of good character and reputation in the community in which he resides;
- 2) A person who has been convicted of a felony under any Federal or State law, if the Department, after investigation and a hearing, if requested by the applicant, determines that such person has not been sufficiently rehabilitated to warrant the public trust;
- 3) A corporation, if any officer, manager or director thereof, or any stockholder or stockholders owning in the aggregate more than 5% (in the case of distributors) or 1% (in the case of out-of-State cigarette manufacturer permittees) of the stock of such corporation, would not be eligible to receive a license under this Act for any reason.

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g) The first distributor who delivers cigarettes or causes them to be delivered in this State to a purchaser must affix proper stamp or stamps to each original package of such cigarettes before delivering such cigarettes (or causing them to be delivered) in this State to the purchaser, or (in the case of manufacturers of cigarettes in original packages which are contained inside a sealed transparent wrapper) to imprint the required language on the original package of cigarettes beneath such outside wrapper, as provided in Section 440.20(b) of this Part.

h) On and after July 23, 1999, no stamp or imprint may be affixed to, or made upon, any package of cigarettes unless that package complies with all requirements of the federal Cigarette Labeling and Advertising Act, 15 USC 1331 and following, for the placement of labels, warnings, or any other information upon a package of cigarettes that is sold within the United States. Under the authority of Section 6 of the Cigarette Tax Act [35 ILCS 130], the Department shall revoke the license of any distributor that is determined to have violated this subsection (h). A person may not affix a stamp on a package of cigarettes, cigarette papers, wrappers, or tubes if that individual package has been marked for export outside the United States with a label or notice in compliance with Section 290.185 of Title 27 of the Code of Federal Regulations. It is not a defense to a proceeding for violation of this subsection that the label or notice has been removed, mutilated, obliterated, or altered in any manner. (Section 3 of the Cigarette Tax Act.)

i) On and after August 13, 1999, packages of cigarettes, cigarette papers, wrappers, or tubes stamped or imprinted in a manner not in accordance with subsection (h) of this Section and found in the possession of a distributor create a rebuttable presumption that the packages of cigarettes, cigarette papers, wrappers or tubes were stamped or imprinted in violation of the Cigarette Tax Act.

j) On and after September 1, 1999, packages of cigarettes, cigarette papers, wrappers or tubes stamped or imprinted in a manner not in accordance with subsection (h) of this Section and found in the possession of a retailer create a rebuttable presumption that the packages of cigarettes, cigarette papers, wrappers or tubes were stamped or imprinted by the distributor from whom they were obtained in violation of the Cigarette Tax Act.

(Source: Amended by emergency rulemaking at 23 Ill. Reg. 9541 effective July 29, 1999, for a maximum of 150 days)

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who are subject to the Cigarette Use Tax Act [35 ILCS 135] (11-1-1999, Rev. Stat., 1999, ch. 129, par. 4-53.1 et seq.), must remit, to the Department of Revenue (the Department), the amount of Cigarette Use Tax to be collected by them through the purchase and affixation of tax stamps or meter impression units (where the use of meters is authorized by the Department) to any original package of cigarettes before delivering such cigarettes (or causing them to be delivered) in this State to any purchaser, or (in the case of manufacturers of cigarettes in original packages which are contained inside a sealed transparent wrapper) by imprinting the language to be prescribed by the Department on the original package of cigarettes beneath such outside wrapper.

1) On and after July 22, 1999, no stamp or imprint may be affixed to, or made upon, any package of cigarettes unless that package complies with all requirements of the Federal Cigarette Labeling and Advertising Act, 15 USC 1331 and following, for the placement of labels, warnings, or any other information upon a package of cigarettes that is sold within the United States. Under the authority of Section 6 of the Cigarette Use Tax Act [35 ILCS 135], the Department shall revoke the license of any distributor that is determined to have violated this subsection (c)(1). A person may not affix a stamp on a package of cigarettes, cigarette papers, wrappers, or tubes if that individual package has been marked for export outside the United States with a label or notice in compliance with Section 290.185 of Title 27 of the Code of Federal Regulations. It is not a defense to a proceeding for violation of this subsection that the label or notice has been removed, mutilated, obliterated, or altered in any manner.

2) On and after August 15, 1999, packages of cigarettes, cigarette papers, wrappers, or tubes stamped or imprinted in a manner not in accordance with subsection (c)(1) and found in the possession of a distributor create a rebuttable presumption that the packages of cigarettes, cigarette papers, wrappers, or tubes were stamped or imprinted in violation of the Cigarette Use Tax Act.

3) On and after September 1, 1999, packages of cigarettes, cigarette papers, wrappers, or tubes stamped or imprinted in a manner not in accordance with subsection (c)(1) and found in the possession of a retailer create a rebuttable presumption that the packages of cigarettes, cigarette papers, wrappers, or tubes were stamped or imprinted by the distributor from whom they were obtained in violation of the Cigarette Use Tax Act.

d) At the time of purchasing stamps from the Department or any person authorized by the Department, when purchase of the stamps is required by the Cigarette Use Tax Act or at the time when the tax which he has collected is remitted by a distributor to the Department without the purchase of stamps from the Department or any person authorized by the Department when that method of remitting the tax that has been

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NOTICE OF EMERGENCY AMENDMENTS

TITLE 86: REVENUE
CHAPTER 1: DEPARTMENT OF REVENUE

PART 450
CIGARETTE USE TAX ACT

Section	Nature and Rate of Tax
450.10	EMERGENCY
450.20	Tax Stamps--Affixed Out of State
450.30	Licenses and permits--Bonds
450.40	Reports and Returns
450.50	Books and Records
450.60	Unused Stamps and Meter Units--Sale of--Notice to Department--Mutilated Stamps--Tax Meter Machine Settings
450.70	Cigarettes Used Outside Illinois
450.80	Purchase of Cigarettes by Governmental Bodies for Use
450.90	Claim for Replacement
450.100	Sample Packages of Cigarettes--Stamps or Other Evidence of Tax Collection Affixed
450.110	Sale of Forfeited Cigarettes and Vending Machines
450.120	Claims for Credit or Refund

AUTHORITY: Implementing and authorized by the Cigarette Use Tax Act [35 ILCS 135].

SOURCE: Filed and effective June 17, 1958; codified at 8 Ill. Reg. 13838; amended at 13 Ill. Reg. 10687, effective June 16, 1989; amended at 14 Ill. Reg. 6804, effective April 19, 1990; amended at 15 Ill. Reg. 122, effective December 24, 1990; amended by emergency rulemaking at 23 Ill. Reg. 9546, effective July 29, 1999, for a maximum of 150 days.

SECTION 450.10 Nature and Rate of Tax

- The Cigarette Use Tax is imposed upon the privilege of using cigarettes in this State, and the tax rate is 15 mills per cigarette so used.
- The tax must be collected by a distributor maintaining a place of business in this State or a distributor authorized by Section 7 of the Act to hold a permit to collect such tax, and the amount of the tax shall be added to the price of the cigarettes sold by such distributor and must be stated on the invoice as a separate item from the selling price of the cigarettes except when the purchaser is a Federal or foreign government agency or instrumentality (see Section 450.50 of this Part).
- Distributors who are not subject to the Cigarette Tax Act [35 ILCS 130] (11-1-1999, Rev. Stat., 1999, ch. 129, par. 4-53.1 et seq.) (the Act), but

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collected is required or authorized by the Act, the distributor will be allowed a discount during any year commencing July 1 and ending the following June 30. The discount shall be equal to 1.75% of the amount of the tax payable under the Act up to and including the first \$3,000,000.00 paid by such distributor to the Department during any such year and 1.5% of the amount of any additional tax paid by such distributor to the Department during any such year.

e) This discount is to cover the distributor's cost of collecting the tax.

f) Tax or more distributors that use a common means of affixing revenue stamps or that are owned or controlled by the same interests shall be treated as a single distributor for the purpose of computing the discount.

g) On and after December 1, 1985, the Department shall allow a distributor 30 days in which to make final payment of the amount to be paid for such stamps, by allowing the distributor to make payment for the stamps at the time of purchasing them with a draft which shall be in such form as the Department prescribes (i.e. a standard bank draft in which the distributor may post-date), and which shall be payable within 30 days thereafter: provided that such distributor has filed with the Department, and has received the Department's approval of, a bond, which is in addition to the Bond required under Section 4 of the Act, payable to the Department in an amount equal to 100% of such distributor's average monthly tax liability under the Act during the preceding calendar year or \$750,000.00, whichever is less. The Bond shall be joint and several and shall be in the form of a surety company bond in such form as the Department prescribes or it may be in the form of a bank certificate of deposit or bank letter of credit. The bond shall be conditioned upon the distributor's payment of the amount of any 30-day draft which the Department accepts from that distributor for the delivery of stamps to that distributor under the Act. The distributor's failure to pay any such draft, when due, shall also make such distributor automatically liable to the Department for a penalty equal to 75% of the amount of such draft. Prior continuous compliance taxpayers, as defined in Section 1 of the Act, are exempt from the bond requirements noted above. (Section 3 of the Act) For additional information concerning the exemption, refer to Section 3 of the Act.

h) The Cigarette Use Tax collected by a distributor who is liable to collect and remit a like amount of tax with respect to the same cigarettes under the Cigarette Tax Act need not be remitted to the Department under the Cigarette Use Tax Act. In other words, the amount which the distributor is liable to collect and remit under the Cigarette Tax Act with respect to particular cigarettes is offset against the amount collected from the purchaser by such distributor under the Cigarette Use Tax Act with respect to the same cigarettes. Sections 3 and 10 of the Cigarette Use Tax Act permit this offset in order to avoid the double remittance of tax to the State on the same

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i) In those instances in which a distributor is required to affix tax stamps or meter impressions to original packages of cigarettes under the Cigarette Use Tax Act, rather than under the Cigarette Tax Act, the provisions of the Part relating to the Cigarette Tax Act (86 Ill. Adm. Code 440) shall apply and are incorporated herein by reference.

j) Where cigarettes are acquired for use in this State without Illinois tax stamps being affixed to the original packages thereof and without authorized tax imprints placed underneath the sealed transparent wrapper of such original packages, the user is required to remit the amount of the Cigarette Use Tax directly to the Department. Such tax should be remitted to the Department by the user within 3 days after he acquires such cigarettes.

(Source: Amended by emergency rulemaking at 23 Ill. Reg. 9546, effective July 29, 1999, for a maximum of 150 days)

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NOTICE OF EMERGENCY AMENDMENT

of the Joint Committee on Administrative Rules at 20 Ill. Reg. 14279; amended at 21 Ill. Reg. 6588, effective May 19, 1997; amended at 21 Ill. Reg. 10992, effective July 29, 1997; amended at 22 Ill. Reg. 1466, effective January 1, 1998; emergency amendment at 23 Ill. Reg. 95-5-2, effective August 1, 1999, for a maximum of 150 days.

Section 1030.86 Multiple Attempts - Written and/or Road Tests Test

- a) For purposes of this Section, the following definitions shall apply:
- "Applicant" - person applying for or renewing an Illinois driver's license.
- "Department" - Department of Driver Services within the Office of the Secretary of State.
- "Licensed-Physician" - a person licensed under the Medical Practice Act of 1987 [225 ILCS 50], or similar law of another jurisdiction, to practice medicine in all of its branches.
- "Road Test" - an actual demonstration of the applicant's ability to operate a motor vehicle as required by Section 6-109 of the Illinois Driver Licensing Law of the Illinois Vehicle Code {111-Rev-Stat-1991;ch-95-1/2;par-6-109}.
- "Waiting Period" - that period for which an individual is ineligible to make an application for an Illinois driver's license or commercial driver's license.
- "Written Test" - as defined in Sections 1030.80 and 1030.81 of this Part.
- b) The fee to obtain a driver's license required by Section 6-118 of the Illinois Driver Licensing Law of the Illinois Vehicle Code {111-Rev-Stat-1991;ch-95-1/2;par-6-118}, [625 ILCS 5/6-118] shall entitle a person to a total of 3 three-(3) attempts to pass the written and/or road tests test within a 1 year one-year period starting from the date of the first attempt. The first attempt is counted as one of the 3 three attempts as provided for in Section 6-106 of the Illinois Driver Licensing Law of the Illinois Vehicle Code {111-Rev-Stat-1991;ch-95-1/2;par-6-106} [625 ILCS 5/6-106].
- c) An applicant for an Illinois commercial driver's license (CDL) that

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fails the written and/or road tests after a third attempt shall be prohibited from re-examination for a period of 1 month.

- d) An applicant for an Illinois commercial driver's license (CDL) that submits a new application after the 1 month waiting period specified in subsection (c) of this Section shall be allowed 3 attempts to successfully pass the written and/or road tests. Failure to successfully complete the written and/or road tests shall result in a waiting period of 3 months.
- e) An applicant for an Illinois commercial driver's license (CDL) that submits a new application after the 3 months waiting period specified in subsection (d) of this Section shall be allowed 3 attempts to successfully complete the written and/or road tests. Failure to successfully pass the written and/or road tests shall result in a waiting period of 1 year.
- f) Any applicant for an Illinois driver's license may be allowed to attempt the written and/or road tests test a second time after a failure in the same day during normal business hours of the Driver Services Facility if he/she fails the first attempt to pass the written and/or road tests test. However, if the applicant demonstrates a danger to public safety during his first attempt to pass a written and/or road tests test, he/she will not be allowed a second attempt during the same day. An applicant will not be allowed to make a third or subsequent attempt to pass a road test on the same day in which he/she failed the previous attempt. If an applicant fails the road test 6 six-(6) times, he/she will not be permitted to attempt the road test a seventh time until he/she submits to the Department a medical report from a competent medical specialist licensed-physician stating that he/she is physically and mentally able to safely operate a motor vehicle as provided for in Sections 6-103(8) and 6-109(b) of the Illinois Driver Licensing Law of the Illinois Vehicle Code {111-Rev-Stat-1991;ch-95-1/2;par-6-103(8)-and-6-109(b)} [625 ILCS 5/6-103(8) and 6-109(b)]. An applicant shall be exempt from the requirement of filing a medical report if he/she has within the previous 3 three-(3) months filed a favorable medical report with the Department. If an applicant fails the road test a seventh or subsequent time he/she must wait until the next business day before attempting the test again.
- g) The provisions of this Section do not apply to applicants who are upgrading their driver's license classification.

(Source: Amended by emergency rulemaking at 23 Ill. Reg. 95 5 2, effective August 1, 1999, for a maximum of 150 days)

DEPARTMENT OF HUMAN SERVICES

NOTICE OF WITHDRAWAL OF PROPOSED AMENDMENTS

- 1) Heading of the Part: Alcoholism and Substance Abuse Treatment and Intervention Licenses
- 2) Code Citation: 77 Ill. Adm. Code 2060
- 3) Section Numbers: Adopted Action:
2060.217 Amended
- 4) Date Notice of Proposed Amendments was Published in the *Illinois Register*:
January 29, 1999, 23 Ill. Reg. 1206
- 5) Reason for the Withdrawal: The Department has decided that the current rules for licensure are sufficient. The amendment being considered in this rulemaking is being withdrawn.

DEPARTMENT OF LABOR

NOTICE OF PUBLIC HEARING

Pursuant to section 9 of the Prevailing Wage Act, 820 ICS 130/9 (1998), the Illinois Department of Labor will conduct a hearing involving an objection to its determination of the classification(s) of craft(s), or type of worker(s) or mechanic(s), engaging in tile finishing and marble finishing and polishing work on public works projects in the Counties of Cook, DuPage, Grundy, Kane, Kaneke, Kendall, Lake, McHenry, and Will, State of Illinois, and the prevailing rate of wages for the classification(s).

1) Date, Time and Location of Public Hearings:

Tuesday, August 31, 1999
10:00 A.M.
Illinois Department of Labor
160 North LaSalle Street, Suite C-1300
Chicago, Illinois 60601

2) Name and Address of Agency Contact Person:

Questions regarding the public hearings shall be directed to:

Scott D. Miller, Chief Legal Counsel
Illinois Department of Labor
160 North LaSalle Street, Suite C-1300
Chicago, Illinois 60601
(312) 793-1805

DEPARTMENT OF LABOR

NOTICE OF PUBLIC HEARINGS

Pursuant to section 9 of the Prevailing Wage Act, 820 ILCS 130/9 (1998), the Illinois Department of Labor will conduct a hearing involving an objection to its determination of the classification(s) of craft(s), or type of worker(s) or mechanic(s), engaging in carpenter, millwright and pile driver work on public works projects in the Counties of Marion, Union, and Williamson, State of Illinois, and the prevailing rate of wages for the classifications.

1) Date, Time and Location of Public Hearings:

Monday, September 13, 1999
10:00 A.M.
Illinois Department of Labor
160 North LaSalle Street, Suite C-1300
Chicago, Illinois 60601

2) Name and Address of Agency Contact Person:

Questions regarding the public hearings shall be directed to:

Scott D. Miller, Chief Legal Counsel
Illinois Department of Labor
160 North LaSalle Street, Suite C-1300
Chicago, Illinois 60601
(312) 793-1805

OFFICE OF THE ILLINOIS STATE TREASURER

JULY 1999 REGULATORY AGENDA

a) Part(s) (Heading and Code Citation): Administrative Rules regarding the transfer of the unclaimed property function to the State Treasurer. Joint Administrative Rules with the Office of Banks and Real Estate for the transfer of the examination functions to the Office of Banks and Real Estate. Joint Administrative Rules with the Department of Financial Institutions for the retention of the examination functions by the Department of Financial Institutions. Code citation to be assigned.

1) Rulemaking:

A) Description: Pursuant to Public Act 91-0016 the State Treasurer is required to revise the rules transferred to the Treasurer as a result of the Act to properly reflect that the powers, duties, and functions of unclaimed property are the responsibility of the State Treasurer.

The State Treasurer and the Office of Banks and Real Estate are required to jointly propose rules to reflect the transfer of the examination functions to the Office of Banks and Real Estate under the Act.

The State Treasurer and the Department of Financial Institutions are required to jointly propose rules that reflect the retention of the examination functions by the Department of Financial Institutions under the Act.

B) Statutory Authority: 15 ILCS 505/0-05.

C) Scheduled meeting/hearing date: None Scheduled.

D) Date Agency anticipates First Notice: August 15, 1999.

E) Effect on small businesses, small municipalities or not for profit corporations: Small businesses, municipalities, and not for profit corporations that are required to report and remit unclaimed property to the State Treasurer may be affected.

F) Agency contact person for information:

Martin O. Noven
Office of the Illinois State Treasurer
James R. Thompson Center
100 West Randolph Street, Suite 15-600
Chicago, Illinois 60601
(312) 814-1700

G) Related rulemaking and other pertinent information: None.

b) Part(s) (Heading and Code Citation): Commemorative Medallions

Administrative Rules. Code citation to be assigned.

1) Rulemaking:

A) Description: The Treasurer will promulgate rules to govern the implementation and the administration of the commemorative medallion program.

B) Statutory Authority: 15 ILCS 555/15.

C) Scheduled meeting/hearing date: None Scheduled.

D) Date Agency anticipates First Notice: September 1, 1999.

E) Effect on small businesses, small municipalities or not for profit corporations: Proceeds from the sale of the medallions will be shared with not-for-profit corporations.

F) Agency contact person for information:

Martin O. Noven
Office of the Illinois State Treasurer
James R. Thompson Center
100 West Randolph Street, Suite 15-600
Chicago, Illinois 60601
(312) 814-1700

G) Related rulemaking and other pertinent information: None

c) Part(s) (Heading and Code Citation): College Savings Pool Administrative Rules. Code citation to be assigned.

1) Rulemaking:

A) Description: The State Treasurer is required to adopt rules that are necessary for the efficient administration of the College Savings Pool, and to establish whatever parameters are required to ensure the College Savings Pool meets all the necessary requirements for a qualified state tuition program under Section 529 of the Internal Revenue Code (26 U.S.C. 52). The Treasurer shall also propose rules concerning the administrative expenses of the pool and the necessary recordkeeping for each account in the pool.

B) Statutory Authority: 15 ILCS 505/16.5.

C) Scheduled meeting/hearing date: None Scheduled.

D) Date Agency anticipates First Notice: December 15, 1999.

E) Effect on small businesses, small municipalities or not for profit corporations: None.

F) Agency contact person for information:

Martin O. Noven
Office of the Illinois State Treasurer
James R. Thompson Center
100 West Randolph Street, Suite 15-600
Chicago, Illinois 60601
(312) 814-1700

G) Related rulemaking and other pertinent information: None.

d) Part(s) (Heading and Code Citation): Capital Crimes Litigation Trust Fund Administrative Rules. Code citation to be assigned.

1) Rulemaking:

A) Description: The State Treasurer will propose rules and procedures for grant applications. The Treasurer is required to adopt rules that will obligate the Cook County Treasurer, as the grant recipient, to report on a periodic basis to the State Treasurer on how grant money has been spent, how much money is remaining, and the purpose for which the grant has been used. Rules will be proposed that will require the Cook County Treasurer to periodically certify that expenditures from the fund have been made for reasonable expenses and are appropriate to be paid from the Capital Crimes Litigation Trust Fund.

B) Statutory Authority: 725 ILCS 5/101-15.

C) Scheduled meeting/hearing date: None Scheduled.

D) Date Agency anticipates First Notice: September 1, 1999.

E) Effect on small businesses, small municipalities or not for profit corporations: None.

F) Agency contact person for information:

Martin O. Noven
Office of the Illinois State Treasurer
James R. Thompson Center
100 West Randolph Street, Suite 15-600
Chicago, Illinois 60601
(312) 814-1700

G) Related rulemaking and other pertinent information: None.

e) Part(s) (Heading and Code Citation): State Treasurer's Ethics Commission Administrative Rules. Code citation to be assigned.

1) Rulemaking:

A) Description: The Treasurer will propose new rules governing the powers, duties, and responsibilities of the State Treasurer's

Ethics Commission.

- B) Statutory Authority: 5 ILCS 425/55.
- C) Scheduled meeting/hearing date: None Scheduled.
- D) Date Agency anticipates First Notice: December 15, 1999.
- E) Effect on small businesses, small municipalities or not for profit corporations: None.
- F) Agency contact person for information:
 Martin O. Noven
 Office of the Illinois State Treasurer
 James R. Thompson Center
 100 West Randolph Street, Suite 15-600
 Chicago, Illinois 60601
 (312) 814-1700
- G) Related rulemaking and other pertinent information: None.

JOINT COMMITTEE ON ADMINISTRATIVE RULES

JAMES R. THOMPSON CENTER
 ROOM 16-503
 CHICAGO, ILLINOIS
 10:30 A.M.
 AUGUST 17, 1999

NOTICES: Due to Register submittal deadlines, the Agenda below may be incomplete. Other items not contained in this published Agenda are likely to be considered by the Committee at the meeting.

It is the policy of the Committee to allow only representatives of State agencies to testify orally on any rule under consideration at Committee hearings. If members of the public wish to express their views with respect to a proposed rule, they should submit written comments to the Office of the Joint Committee on Administrative Rules at the following address:

*Joint Committee on Administrative Rules
 700 Stratton Office Building
 Springfield, Illinois 62706*

RULEMAKINGS SCHEDULED FOR JCAR REVIEW

The following rulemakings are scheduled for review at this meeting. JCAR staff may be proposing action with respect to some of these rulemakings. JCAR members may have questions concerning, and may initiate action with respect to, any item scheduled for JCAR review and any other issues within the Committee's purview.

PROPOSED RULEMAKINGS

Attorney General

- 1. Franchise Disclosure Act (14 Ill Adm Code 200)
 -First Notice Published: 23 Ill Reg 6583 - 6/4/99
 -Expiration of Second Notice: 9/12/99

Capital Development Board

- 2. Standards for Award of Grants: School Construction Program (71 Ill Adm Code 40)
 -First Notice Published: 23 Ill Reg 6196 - 5/28/99
 -Expiration of Second Notice: 8/29/99

Central Management Services

- 3. Pay Plan (80 Ill Adm Code 310)
 -First Notice Published: 23 Ill Reg 5215 - 4/30/99
 -Expiration of Second Notice: 9/18/99

JOINT COMMITTEE ON ADMINISTRATIVE RULES

JAMES R. THOMPSON CENTER
ROOM 16-503
CHICAGO, ILLINOIS
10:30 A.M.
AUGUST 17, 1999

Commerce Commission

4. Certification of Alternative Retail Electric Suppliers (83 Ill Adm Code 451)
 - First Notice Published: 23 Ill Reg 1180 - 1/29/99
 - Expiration of Second Notice: 8/19/99
5. Minimum Safety Standards for Transportation of Gas and for Gas Pipeline Facilities (83 Ill Adm Code 590)
 - First Notice Published: 23 Ill Reg 4125 - 4/9/99
 - Expiration of Second Notice: 9/12/99
6. Telephone Assistance Programs (83 Ill Adm Code 757)
 - First Notice Published: 23 Ill Reg 4128 - 4/9/99
 - Expiration of Second Notice: 9/12/99

Environmental Protection Agency

7. Alternate Fuels Program (35 Ill Adm Code 275)
 - First Notice Published: 23 Ill Reg 5394 - 5/7/99
 - Expiration of Second Notice: 8/21/99

Human Services

8. Eligibility (89 Ill Adm Code 682)
 - First Notice Published: 23 Ill Reg 5982 - 5/21/99
 - Expiration of Second Notice: 9/2/99

Natural Resources

9. Duck, Goose and Coot Hunting (17 Ill Adm Code 590)
 - First Notice Published: 23 Ill Reg 5986 - 5/21/99
 - Expiration of Second Notice: 9/2/99
10. Conservation 2000-Ecosystems Program (17 Ill Adm Code 1523)
 - First Notice Published: 23 Ill Reg 6202 - 5/28/99
 - Expiration of Second Notice: 9/2/99
11. Public Museum Grant Program (23 Ill Adm Code 3200)
 - First Notice Published: 22 Ill Reg 21765 - 12/18/98
 - Expiration of Second Notice: 9/8/99
12. Repeal of Contracts for Construction (44 Ill Adm Code 600)

JOINT COMMITTEE ON ADMINISTRATIVE RULES

JAMES R. THOMPSON CENTER
ROOM 16-503
CHICAGO, ILLINOIS
10:30 A.M.
AUGUST 17, 1999

- First Notice Published: 23 Ill Reg 3246 - 3/19/99
 - Expiration of Second Notice: 8/21/99
13. Surface Mined Land Conservation and Reclamation Act (62 Ill Adm Code 300)
 - First Notice Published: 23 Ill Reg 6021 - 5/21/99
 - Expiration of Second Notice: 8/20/99
- Public Aid
14. Medical Assistance Programs (89 Ill Adm Code 120)
 - First Notice Published: 23 Ill Reg 5474 - 5/7/99
 - Expiration of Second Notice: 8/29/99
- Public Health
15. Postsurgical Recovery Care Center Demonstration Program Code (77 Ill Adm Code 210)
 - First Notice Published: 23 Ill Reg 4394 - 4/16/99
 - Expiration of Second Notice: 9/10/99
16. Control of Communicable Diseases Code (77 Ill Adm Code 690)
 - First Notice Published: 22 Ill Reg 15171 - 8/21/98
 - Expiration of Second Notice: 9/10/99
17. Drinking Water Systems Code (77 Ill Adm Code 900)
 - First Notice Published: 23 Ill Reg 3924 - 4/2/99
 - Expiration of Second Notice: 9/10/99
- State Employees' Retirement System
18. The Administration and Operation of the State Employees' Retirement System of Illinois (80 Ill Adm Code 1540)
 - First Notice Published: 23 Ill Reg 6414 - 5/28/99
 - Expiration of Second Notice: 8/25/99

EMERGENCY AND PERSEMPORY RULEMAKINGSCentral Management Services

19. Pay Plan (80 Ill Adm Code 310) (Emergency)
 - Notice Published: 23 Ill Reg 8169 - 7/16/99

JOINT COMMITTEE ON ADMINISTRATIVE RULES

JAMES R. THOMPSON CENTER
ROOM 16-503
CHICAGO, ILLINOIS
10:30 A.M.
AUGUST 17, 1999

Children and Family Services

20. Rate Setting (89 Ill Adm Code 356) (Emergency)
-Notice Published: 23 Ill Reg 8461 - 7/23/99

Gaming Board

21. Riverboat Gambling (86 Ill Adm Code 3000) (Emergency)
-Notice Published: 23 Ill Reg 8191 - 7/16/99

Human Services

22. Substance Alcoholism and Substance Abuse Treatment Services (77 Ill Adm Code 2090)
-Notice Published: 23 Ill Reg 8832 - 8/6/99
23. Temporary Assistance for Needy Families (89 Ill Adm Code 112) (Emergency)
-Notice Published: 23 Ill Reg 8672 - 7/30/99
24. Aid to the Aged, Blind or Disabled (89 Ill Adm Code 113) (Emergency)
-Notice Published: 23 Ill Reg 8650 - 7/30/99

25. General Assistance (89 Ill Adm Code 114) (Emergency)
-Notice Published: 23 Ill Reg 8661 - 7/30/99

26. Audit Requirements of DHS (89 Ill Adm Code 507) (Emergency)
-Notice Published: 23 Ill Reg 7768 - 7/9/99

Liquor Control Commission

27. The Illinois Liquor Control Commission (11 Ill Adm Code 100) (Emergency)
-Notice Published: 23 Ill Reg 8687 - 7/30/99

Public Aid

28. Medical Payment (89 Ill Adm Code 140) (Emergency)
-Notice Published: 23 Ill Reg 8236 - 7/16/99
29. Specialized Health Care Delivery Systems (89 Ill Adm Code 146) (Emergency)
-Notice Published: 23 Ill Reg 8256 - 7/16/99

JOINT COMMITTEE ON ADMINISTRATIVE RULES

JAMES R. THOMPSON CENTER
ROOM 16-503
CHICAGO, ILLINOIS
10:30 A.M.
AUGUST 17, 1999

30. Hospital Services (89 Ill Adm Code 148) (Emergency)
-Notice Published: 23 Ill Reg 8213 - 7/16/99
31. Long Term Care Reimbursement Changes (89 Ill Adm Code 153) (Emergency)
-Notice Published: 23 Ill Reg 8229 - 7/16/99

Racing Board

32. Pari-Mutuels (11 Ill Adm Code 300) (Emergency)
-Notice Published: 23 Ill Reg 7772 - 7/9/99
33. Race Track Operators and Their Duties (11 Ill Adm Code 1305) (Emergency)
-Notice Published: 23 Ill Reg 7776 - 7/9/99
34. Regulations for Meetings (11 Ill Adm Code 1424) (Emergency)
-Notice Published: 23 Ill Reg 7779 - 7/9/99

EXEMPT RULEMAKINGSPollution Control Board

35. Pretreatment Programs (35 Ill Adm Code 310) (Exempt)
-Proposed Date: 23 Ill Reg 5446 - 5/7/99
-Adopted Date: 7/23/99
36. Sewer Discharge Criteria (35 Ill Adm Code 307) (Exempt)
-Proposed Date: 23 Ill Reg 5454 - 5/7/99
-Adopted Date: 7/23/99

SECOND NOTICES RECEIVED

The following second notices were received by the Joint Committee on Administrative Rules during the period of July 27, 1999 through August 2, 1999 and have been scheduled for review by the Committee at its August 17, 1999 meeting in Chicago. Other items not contained in this published list may also be considered. Members of the public wishing to express their views with respect to a rule should submit written comments to the Committee at the following address: Joint Committee on Administrative Rules, 700 Stratton Bldg., Springfield IL 62706.

Second Notice Expires	Agency and Rule	Start of First Notice	JCAR Meeting
9/10/99	Department of Public Health, Drinking Water Systems Code (77 Ill Adm Code 900)	4/2/99 23 Ill Reg 3924	8/17/99
9/10/99	Department of Public Health, Post-surgical Recovery Care Center Demonstration Program Code (77 Ill Adm Code 210)	4/16/99 23 Ill Reg 4394	8/17/99
9/10/99	Department of Public Health, Control of Communicable Diseases Code (77 Ill Adm Code 690)	8/21/98 22 Ill Reg 15171	8/17/99
9/12/99	Illinois Commerce Commission, Minimum Safety Standards for Transportation of Gas and for Gas Pipeline Facilities (83 Ill Adm Code 590)	4/9/99 23 Ill Reg 4125	8/17/99
9/12/99	Illinois Commerce Commission, Telephone Assistance Programs (83 Ill Adm Code 757)	4/9/99 23 Ill Reg 4128	8/17/99
9/12/99	Office of the Attorney General, Franchise Disclosure Act (14 Ill Adm Code 200)	6/4/99 23 Ill Reg 6583	8/17/99

99-314

CUBAN AMERICAN CHAMBER OF COMMERCE DAY

WHEREAS, 30 years ago the Cuban American Chamber of Commerce of Illinois was formed to promote and enrich civic, cultural and ethnic relations between Cuban Americans and other nationalities; and

WHEREAS, the members of the Cuban American Chamber of Commerce of Illinois are dedicated to the free exchange of ideas; and

WHEREAS, the Cuban American Chamber of Commerce of Illinois has actively promoted and developed positive relations within the Latino Community of Illinois; and

WHEREAS, the Cuban American Chamber of Commerce of Illinois participates in projects that benefit the Chamber of Commerce as well as the Hispanic community of Illinois and the United States;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim June 19, 1999, as CUBAN AMERICAN CHAMBER OF COMMERCE DAY in Illinois.

Issued by the Governor July 8, 1999.

Filed by the Secretary of State July 19, 1999.

99-315

DAVID L. KING DAY

WHEREAS, the Illinois Department of Public Health's Office of Health Protection is responsible for protecting the people of Illinois from illness, health emergencies and exposure to environmental hazards; and

WHEREAS, the Office of Health Protection ensures that Illinois' food supply is uncontaminated; and

WHEREAS, David L. King has led the Office of Health Protection since 1991; and

WHEREAS, David L. King served as the department's deputy director from 1985 to 1991; and

WHEREAS, David L. King has been a valuable career public servant for 25 years in the Illinois Departments of Transportation, Children and Family Services and Public Health; and

WHEREAS, David L. King has been actively involved with his public health partners in a number of professional endeavors, including the Roadmap Implementation Task Force and Project Health, which re-engineered the delivery of public health services in Illinois; and

WHEREAS, David L. King has demonstrated a commitment to future public health leaders by contributing his time and talents as a mentor for the University of Illinois at Chicago School of Public Health Leadership Institute; and

WHEREAS, David L. King is well respected by his peers; and

WHEREAS, David King is now leaving the Illinois Department of Public Health's Office of Health Protection to assume leadership of the Campaign-Urbana Public Health District;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 22, 1999, as DAVID L. KING DAY in Illinois.

Issued by the Governor July 8, 1999.

Filed by the Secretary of State July 19, 1999.

99-316

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 3-9, 1999, as **VOCATIONAL STUDENT ORGANIZATIONS WEEK** in Illinois in recognition of the contributions made by these organizations to the education of our youth.

Issued by the Governor July 8, 1999.

Filed by the Secretary of State July 19, 1999.

99-319

ERNEST HEMINGWAY CENTENNIAL WEEK

WHEREAS, Ernest Hemingway was born on July 21, 1899, in Oak Park, Illinois; and

WHEREAS, Ernest Hemingway spent the first 20 years of his life in Oak Park where he was nurtured by strong family and community values, encouraged in artistic pursuits by his musically-accomplished mother and trained in scientific perceptiveness and knowledge of the natural world by his physician father; and

WHEREAS, Ernest Hemingway received his only formal education in the Oak Park School System where his early literary talents were recognized and encouraged; and

WHEREAS, on a world-wide scale, Ernest Hemingway gained repute for having brought the novel out of the Victorian era into the 20th Century, with a prose style that forever revolutionized writing and earned him both the Pulitzer and Nobel prizes for literature; and

WHEREAS, Ernest Hemingway became internationally known because of his exuberance for life and energetic pursuit of adventure, not only as an author, but as a war correspondent, sportsman, world traveler, deep sea fisherman, hunter and writer of voluminous correspondence leaving a major impact on the life and culture of his time and his century; and

WHEREAS, where the Village of his birth will commemorate the 100th Anniversary of Ernest Hemingway's birth with great pride and celebration on July 14-21, 1999;

THEREFORE, I, George Ryan, Governor of the State of Illinois, proclaim July 14-21, 1999 as **ERNEST HEMINGWAY CENTENNIAL WEEK** in Illinois.

Issued by the Governor July 12, 1999.

Filed by the Secretary of State July 19, 1999.

99-320

ISLAMIC SOCIETY OF NORTH AMERICA DAYS

WHEREAS, in 1717 the first Arabic speaking persons arrived in North America; and

WHEREAS, in 1900 the earliest recorded Muslim group was organized in Ross, North Dakota; and

WHEREAS, in 1922 the Islamic Association was formed in Detroit, Michigan; and

WHEREAS, in 1977 the first Islamic Conference of North America met in Newark, New Jersey; and

WHEREAS, the Islamic Society of North America (ISNA) was formed in 1982; and

WHEREAS, the ISNA represents between eight and ten million Muslim families and individuals living and working in America and Canada; and

ECUADOR DAY

WHEREAS, the Ecuadorian community worldwide celebrates May 24 in recognition of the Battle of Pichincha, an important event in their quest for independence; and

WHEREAS, August 10 is recognized as Ecuador's Day of Independence and is the holiday of the Ecuadorian population throughout the world; and

WHEREAS, the Comité Cívico de Organizaciones Ecuatorianas was founded June 24, 1998, to maintain unity among the Ecuadorian community in Illinois and to promote and develop leadership among Ecuadorian youth; and

WHEREAS, the Ecuadorian community is an important part of Illinois' international composition;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 10, 1999, as **ECUADOR DAY** in Illinois in recognition of the contributions Ecuadorians make to the strength, diversity and prosperity of this state.

Issued by the Governor July 8, 1999.

Filed by the Secretary of State July 19, 1999.

99-317

PERU DAY

WHEREAS, the Peruvian community celebrates July 28 in recognition of the Proclamation of Independence by Don Jose de San Martin, an important event in their culmination for independence; and

WHEREAS, it is further recognized as the Day of Independence of the Country of Peru and the holiday of Peruvian nationals throughout the world;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 28, 1999, as **PERU DAY** in Illinois in recognition of Peruvians and Peruvian-Americans who make significant contributions to the strength, diversity, and prosperity of Illinois and as friendly relations exist between Peru and Illinois.

Issued by the Governor July 8, 1999.

Filed by the Secretary of State July 19, 1999.

99-318

VOCATIONAL STUDENT ORGANIZATION WEEK

WHEREAS, the proper education of today's youth is a concern of all Americans; and

WHEREAS, vocational student organizations are dedicated to the advancement of proper education, training and development of America's youth; and

WHEREAS, for more than 20 years, organizations such as the Illinois Coordinating Council for Vocational Student Organizations (ICCVSO) have advanced the awareness of the importance of vocational student organizations as an integral part of the educational curriculum; and

WHEREAS, vocational student organizations in Illinois include the Business Professionals of America, Future Business Leaders of America (FBLA), Future Homemakers of America/Home Economics Related Occupations (FHA/HERO), Health Occupations Students of America (HOSA), Illinois Association of FFA (FFA), Illinois Association of DECA (IDCA), Illinois Postsecondary Agricultural Student Organization (PAS), Phi Beta Lambda (PBL), Technology Student Association (TSA) and Illinois Association SkillsUSA - VICA;

WHEREAS, the ISNA will hold its 36th annual convention in Chicago featuring the ISNA International Bazaar, the First Annual International Business and Trade Fair and an inter-faith breakfast;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 3-6, 1999 as *ISLAMIC SOCIETY OF NORTH AMERICA DAYS* in Illinois.

Issued by the Governor July 13, 1999.

Filed by the Secretary of State July 19, 1999.

99-321

ETHNIC MEDIA DAY

WHEREAS, the ethnic media of Illinois have a long and proud tradition in the state; and

WHEREAS, the influence of Illinois' ethnic media has been invaluable in providing information about current events and other pertinent issues directly to the communities they serve; and

WHEREAS, the many ethnic programs and publications available to the public provide an invaluable service by recording the cultures, traditions, language and heritage of individual ethnic groups; and

WHEREAS, the ethnic media have worked diligently to maintain their programs and publications, often relying on limited resources and staff; and

WHEREAS, the ethnic media of Illinois should be commended for their dedication to providing services that have a positive impact on a number of cultures; and

WHEREAS, the Governor's Office of Ethnic Media is hosting a reception in honor of Ethnic Media Day at the James R. Thompson Center;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 22, 1999 as *ETHNIC MEDIA DAY* in Illinois.

Issued by the Governor July 15, 1999.

Filed by the Secretary of State July 26, 1999.

99-322

LOUIS LEBIN DAY

WHEREAS, Louis Lebin was born July 17, 1909, in Chicago, Illinois, the son of Solomon and Sarah Lebin; and

WHEREAS, he was a batboy for the Chicago White Sox in 1923; and

WHEREAS, in 1927, Louis graduated from Englewood High School and from DePaul University Law School in 1932; and

WHEREAS, on December 25, 1938, he married Irene Schlesinger; they were married for 54 years until her death. They made their home in Wilmette and then later moved to downtown Chicago; and

WHEREAS, Louis Lebin worked as a hearing officer for the Illinois Interstate Commerce Commission from 1942 to 1952, practiced law at his private law offices from 1952 to 1967, then worked as Assistant State Attorney General until 1987. He was a hearing officer for arbitration cases in Chicago, until he moved to Florida two years ago; and

WHEREAS, Louis was a Republican Precinct Captain in the 1940s and 1950s in the Chicago northside ward in which he lived; and

WHEREAS, Louis is the father of three children and their spouses: Scott, Lynne and Gayl; and

WHEREAS, he is the grandfather of five grandchildren, who affectionately

call him Pa Pa: Gabe, Adam, Leslie, Laurian, Ojito, and the great-grandfather of one great-grandson, Benjamin; and

WHEREAS, in addition to being a loving husband and great father, Louis's fairness, honesty and loyalty have made him an inspiration and a blessing to all who know him; and

WHEREAS, Louis will be celebrating his 90th birthday with friends and family members in Florida at a party given in his honor;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 17, 1999, as *LOUIS LEBIN DAY* in Illinois.

Issued by the Governor July 15, 1999.

Filed by the Secretary of State July 26, 1999.

99-323

UKRAINIAN DAY

WHEREAS, the Ukrainian community of Illinois will be honored at the Governor's Executive Mansion; and

WHEREAS, Ukrainian heritage celebration will include cultural presentations, speeches and various other activities; and

WHEREAS, there will be artistic demonstrations by Ukrainian artists, including wood carving, painters and traditional egg decorators; and

WHEREAS, the Ukrainian National Museum will present several cultural exhibits; and

WHEREAS, Ukrainian Americans have contributed greatly to the State of Illinois in all areas including the arts, education, science, business, medicine, law, government and public service;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim July 24, 1999, as *UKRAINIAN DAY* in Illinois.

Issued by the Governor July 15, 1999.

Filed by the Secretary of State July 26, 1999.

99-324

ANNUAL NIGHT OUT

WHEREAS, the National Association of Town Watch is sponsoring a unique, nationwide crime, drug and violence prevention program on August 3, 1999, called National Night Out; and

WHEREAS, the 16th Annual National Night Out provides a unique opportunity for communities in Illinois to join forces with thousands of other communities across the country in promoting cooperative, police-community crime prevention efforts; and

WHEREAS, the Council of Neighborhood Associations plays a vital role in assisting their local police departments through joint crime, drug and violence prevention efforts in Springfield, Illinois; and

WHEREAS, it is essential that all citizens in Illinois be aware of the importance of crime prevention programs and the impact that citizen participation can have;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 3, 1999, as the *ANNUAL NIGHT OUT* in Illinois.

Issued by the Governor July 20, 1999.

Filed by the Secretary of State July 26, 1999.

99-325

BREASTFEEDING PROMOTION MONTH

WHEREAS, breastfeeding plays an important role in protecting and promoting the health of infants as well as strengthening the bond between mother and child; and

WHEREAS, physicians, dietitians, nurses, lactation consultants, public health officials and other health professionals recognize breastfeeding as the normal and preferred infant feeding method; and

WHEREAS, communities, employers, families, friends and health professionals are encouraged to support breastfeeding; and

WHEREAS, the federal government, through the "Health People 2000" program, has set a national goal to increase the number of breastfed babies to 75 percent by the year 2000; and

WHEREAS, during the month of August, the Illinois Department of Human Services in conjunction with regional breastfeeding task forces, public and private organizations, physicians and hospitals throughout Illinois will be promoting the importance of breastfeeding;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 1999 as **BREASTFEEDING PROMOTION MONTH** in Illinois.

Issued by the Governor July 20, 1999.

Filed by the Secretary of State July 26, 1999.

99-326

MORAVIAN DAY

WHEREAS, the United Moravian Societies promotes and preserves the rich history, heritage, traditions and customs of Moravia (Czech Republic) through folk dancing and singing; and

WHEREAS, the United Moravian Societies is celebrating its 60th Moravian Day Festival on September 26, 1999, at the Union Hall in Countryside, Illinois;

and

WHEREAS, the celebration will consist of traditional Moravian food, Moravian programs and performances by three generations of Moravian-Americans;

and

WHEREAS, the program begins with a Holy Mass celebrated in Moravian dialect by Monsignor Peter Esterka of California; and

WHEREAS, the Brass Band "Božanovské Sestry", from Moravia, Czech Republic will perform; and

WHEREAS, Joseph Borysek, President of United Moravian Societies, will honor Cynthia Mojica for her 25 years of dedication to teaching Moravian youth folk dancing;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 26, 1999, as **MORAVIAN DAY** in Illinois.

Issued by the Governor July 20, 1999.

Filed by the Secretary of State July 26, 1999.

99-327

SOYBEAN WEEK

WHEREAS, soybean production is an important part of Illinois' agricultural economy; and

WHEREAS, Global Soy Forum '99 will gather in Chicago, Illinois, from August 4-7, 1999; and

WHEREAS, this forum will be the first worldwide gathering of soybean producers, industry leaders, policy makers, researchers and consumers dedicated to shaping the soybean industry; and

WHEREAS, participants of the Global Soy Forum '99 will learn new developments in soybean research; and

WHEREAS, Global Soy Forum '99 is an opportunity for participants to interact and study the soybean industry in the world economy, create new marketing opportunities and develop supply systems;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 2-8, 1999, as **SOYBEAN WEEK** in Illinois.

Issued by the Governor July 20, 1999.

Filed by the Secretary of State July 26, 1999.

99-328

CREDIT UNION MONTH

WHEREAS, credit unions are individual, independent cooperatives founded by people seeking economic advancement; and

WHEREAS, credit unions are passports to opportunities for people seeking a way to improve the condition of their lives and those of their families; and

WHEREAS, credit unions create opportunities in 84 nations around the world so that 39,007 credit unions can serve the financial needs of 97 million members, associated through local, state, regional and international organizations; and

WHEREAS, Illinois continues to be a leader in the credit union movement, with more than 2,000,000 Illinois citizens as members of the 470 state chartered credit unions; and

WHEREAS, the 74th anniversary of the enactment of the Credit Union Law in Illinois will be celebrated throughout the state in October in conjunction with International Credit Union Month;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim October 1999 as **CREDIT UNION MONTH** in Illinois.

Issued by the Governor July 21, 1999.

Filed by the Secretary of State July 26, 1999.

99-329

DELTA SIGMA THETA SORORITY DAY

WHEREAS, the Delta Sigma Theta Sorority, Inc. was founded in 1913 with an emphasis on education and scholarship, physical and mental health, economic development, and political and international awareness; and

WHEREAS, Delta Sigma Theta Sorority, Inc. is comprised of 195,000 women around the world, of which 3,600 live in the State of Illinois; and

WHEREAS, all members are college educated leaders who are dedicated to public service; and

WHEREAS, the Joliet Area South Suburban Chapter of Delta Sigma Theta Sorority, Inc. remains committed to today's youth, providing scholarships and continuous involvement in the Joliet community; and

WHEREAS, the Joliet Area South Suburban Chapter of Delta Sigma Theta Sorority, Inc. is participating in the 42nd Annual Premier Showing of the Ebony

Fashion Fair;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim September 8, 1999, as **DELTA SIGMA THETA SORORITY DAY** in Illinois.

Issued by the Governor July 21, 1999.

Filed by the Secretary of State July 26, 1999.

99-330

DUSABLE DAY

WHEREAS, Jean DuSable was born in Haiti in 1745; and
WHEREAS, DuSable emigrated to New Orleans in 1764 where he lived and worked in a Catholic mission run by Father Pierre Gibault; and

WHEREAS, in 1765, DuSable and other travelers journeyed north along the Mississippi River to St. Louis where he ran a trading company for several years; and

WHEREAS, in 1773 DuSable, his wife and 100 Potawatomi families established a settlement in what is now known as Chicago; and

WHEREAS, the settlement eventually housed a Catholic mission, school and Church; and

WHEREAS, a reception and symposium entitled "DuSable: A Celebration of Catholic Heritage" will take place on August 29, 1999, at the DuSable Museum of African American History in Chicago, Illinois;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim August 29, 1999, as **DUSABLE DAY** in Illinois.

Issued by the Governor July 21, 1999.

Filed by the Secretary of State July 26, 1999.

99-331

THE YEAR OF THE CITY OF LEBANON

WHEREAS, the City of Lebanon is the home of McKendree College, the oldest college in Illinois, founded in 1828; and

WHEREAS, the City of Lebanon's Downtown District has been designated as a National Historic District and is uniquely identified by its brick paved streets; and

WHEREAS, numerous businesses, churches, civic organizations, School District 9 and the citizens of Lebanon will take part in a year-long celebration of Lebanon's founding; and

WHEREAS, 1999 will mark the City of Lebanon's 100th anniversary;

THEREFORE, I, George H. Ryan, Governor of the State of Illinois, proclaim January 1, 1999, through December 31, 1999, as **THE YEAR OF THE CITY OF LEBANON** in Illinois.

Issued by the Governor July 21, 1999.

Filed by the Secretary of State July 26, 1999.

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

(Continued from page 8530)

AGE	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
1000	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
900	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
800	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
700	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
600	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
500	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
400	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
300	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
200	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100

Effective date specified in the 1999 CSO Equivalency Schedule. Monthly, divided 10 year select rate of mortality for the actual age of the insured. The table is for the 1999 CSO Equivalency Schedule. Monthly, divided 10 year select rate of mortality for the actual age of the insured.

(Source: Amended at 23 Ill. Reg. _____, effective _____)

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

Section 1409 ILLUSTRATION F Female, Smoker ~~Base~~ ^{Base} Valuation Selection Factors²

Issue Age	Duration																		
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19 20+
53	28	37	43	49	57	62	68	73	74	77	79	81	83	89	89	91	93	100	100
54	28	36	43	49	57	63	69	73	74	75	78	80	81	87	89	91	100	100	100
55	26	35	42	49	57	63	69	73	74	76	78	79	86	87	100	100	100	100	100
56	26	35	42	49	56	62	67	71	72	74	76	78	79	85	100	100	100	100	100
57	26	35	42	49	55	61	66	69	72	73	76	78	79	100	100	100	100	100	100
58	28	36	43	49	55	59	63	68	72	76	78	100	100	100	100	100	100	100	100
59	28	36	43	49	54	57	63	67	68	70	76	100	100	100	100	100	100	100	100
60	28	36	43	49	53	57	61	64	67	69	100	100	100	100	100	100	100	100	100
61	26	35	42	48	52	56	59	63	66	80	100	100	100	100	100	100	100	100	100
62	26	33	41	47	51	55	58	62	80	100	100	100	100	100	100	100	100	100	100
63	25	33	41	46	51	55	57	80	100	100	100	100	100	100	100	100	100	100	100
64	25	33	40	45	50	53	80	100	100	100	100	100	100	100	100	100	100	100	100
65	24	32	39	44	49	72	75	80	100	100	100	100	100	100	100	100	100	100	100
66	24	32	39	44	72	75	80	100	100	100	100	100	100	100	100	100	100	100	100
67	24	32	39	72	72	75	80	100	100	100	100	100	100	100	100	100	100	100	100
68	24	32	68	72	72	75	80	100	100	100	100	100	100	100	100	100	100	100	100
69	24	64	68	72	72	75	80	100	100	100	100	100	100	100	100	100	100	100	100
70	60	60	64	68	68	72	75	80	100	100	100	100	100	100	100	100	100	100	100
71	60	60	64	68	68	72	75	80	100	100	100	100	100	100	100	100	100	100	100
72	60	60	64	68	68	72	75	80	100	100	100	100	100	100	100	100	100	100	100
73	60	60	64	68	68	72	75	80	100	100	100	100	100	100	100	100	100	100	100
74	60	60	64	68	68	72	75	80	100	100	100	100	100	100	100	100	100	100	100
75	60	60	64	68	68	72	75	80	100	100	100	100	100	100	100	100	100	100	100
76	60	60	64	68	68	72	75	80	100	100	100	100	100	100	100	100	100	100	100
77	60	60	64	68	68	72	75	100	100	100	100	100	100	100	100	100	100	100	100
78	60	60	64	68	68	72	75	100	100	100	100	100	100	100	100	100	100	100	100
79	60	60	64	68	68	72	100	100	100	100	100	100	100	100	100	100	100	100	100
80	60	60	64	68	68	100	100	100	100	100	100	100	100	100	100	100	100	100	100
81	60	60	64	68	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
82	60	60	64	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
83	60	60	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
84	60	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
85+	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100

DEPARTMENT OF INSURANCE

NOTICE OF PROPOSED AMENDMENTS

Section 1409 ILLUSTRATION F Female, Smoker ~~Base~~ ^{Base} Valuation Selection Factors²

Section 1409 ILLUSTRATION F Female, Smoker Base Valuation Selection Factors²

Issue Age	Duration																			
	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20+
0-15	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
16	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
17	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100	100
18	99	100	100	100	100	100	100	95	96	97	100	100	100	100	100	100	100	100	100	100
19	87	89	92	92	92	92	84	86	86	92	93	95	96	99	99	99	100	100	100	100
20	74	77	80	80	73	73	73	75	77	83	83	86	88	90	92	94	96	98	100	100
21	71	74	78	78	71	73	74	77	79	85	86	88	89	90	92	94	95	97	98	100
22	68	71	75	70	71	73	74	78	79	88	90	89	89	92	94	95	97	98	100	100
23	65	69	67	70	70	73	77	79	81	89	90	90	92	92	94	95	97	98	100	100
24	62	60	64	69	70	74	77	79	81	92	90	92	93	93	94	96	97	99	100	100
25	53	58	63	67	69	70	74	78	81	82	92	93	95	95	96	97	98	99	100	100
26	53	58	63	69	71	72	75	79	82	84	93	95	95	90	92	94	96	98	100	100
27	52	56	63	70	74	78	81	82	84	93	95	95	90	92	94	95	97	98	100	100
28	52	56	64	71	75	77	79	82	85	86	95	90	92	92	94	95	97	98	100	100
29	51	56	64	71	78	81	84	86	88	95	90	90	92	93	94	96	97	99	100	100
30	51	56	64	72	79	79	82	85	88	89	90	92	93	93	94	96	97	99	100	100
31	51	56	64	72	78	81	84	86	88	84	90	90	92	93	93	94	96	97	99	100
32	51	56	64	71	78	81	85	86	84	85	90	92	93	93	93	94	96	97	99	100
33	51	57	62	71	78	82	83	84	85	86	90	92	92	94	94	96	97	99	100	100
34	51	56	62	71	78	80	83	85	86	90	91	91	93	93	94	96	97	99	100	100
35	51	56	62	71	78	79	83	84	85	86	90	91	93	93	94	96	97	98	100	100
36	49	56	62	71	78	83	84	85	86	90	89	92	91	93	95	96	98	100	100	100
37	48	55	62	67	74	79	83	84	85	86	89	90	89	92	91	93	95	96	98	100
38	47	55	57	66	72	77	81	84	86	86	87	88	88	90	91	93	95	96	98	100
39	45	50	57	66	72	77	81	83	85	86	86	87	86	89	91	93	96	98	100	100
40	41	50	57	66	72	77	81	83	84	85	86	86	86	89	91	93	96	98	100	100
41	40	50	57	65	71	76	79	81	83	84	85	85	85	89	90	92	94	96	98	100
42	40	49	57	65	69	74	77	80	82	83	84	85	86	90	92	94	95	97	98	100
43	39	49	55	63	69	73	76	78	80	82	83	84	85	92	93	94	96	97	99	100
44	39	48	55	62	67	71	75	78	80	80	82	84	86	93	96	97	98	98	99	100
45	37	47	55	61	65	70	73	76	78	80	81	84	86	94	97	98	98	99	100	100
46	36	46	53	59	63	68	71	75	77	79	83	85	86	93	96	97	98	98	99	100
47	34	44	51	57	62	66	70	73	77	80	83	85	86	93	96	97	98	98	99	100
48	34	44	50	54	60	64	69	74	77	80	84	86	87	92	92	94	95	97	98	100
49	33	42	48	53	58	63	68	74	77	81	84	86	87	92	91	93	95	96	98	100
50	31	41	46	51	57	61	67	74	77	81	85	87	87	91	90	92	94	96	98	100
51	30	39	45	51	56	61	67	74	75	80	83	85	85	90	90	92	94	96	98	100
52	29	38	45	50	56	62	68	74	75	79	81	83	84	90	90	92	94	96	100	100

NOTICE OF PROPOSED AMENDMENTS

[illegible]

*Factors are a percent of the 1989 GSO Female Smoker Mortality (without 10 year select rate of mortality for the attained age). Factors are based on the 1989 GSO Female Smoker Mortality Table and 100% of the 82-85 SSA mortality expense.

(Source: Amended at 23 Ill. Reg. _____, effective _____.)

*Rules acted upon during the calendar quarter from Issue 30 through Issue 42 are listed in the Issues Index by Title and Number, Part number and Issue number. For example, 50 III. Adm. Code 2500 published in Issue 1 will be listed as 50-2500-1. The letter "R" designates a rule that is being repealed. Inquiries about the Issues Index may be directed to the Administrative Code Division at 217-782-4414 or ralphae@ccgate.state.il.us (Internet address).

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